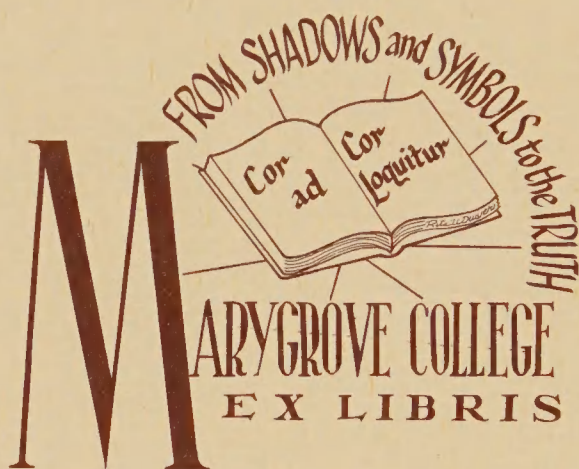


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UNITED STATES CATHOLIC HISTORICAL SOCIETY





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UNITED STATES CATHOLIC HISTORICAL SOCIETY

Historical Records and Studies

Volume L

JAMES A. REYNOLDS
Editor

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CATHOLIC HISTORICAL RECORDS AND STUDIES

THE ANNUAL MEETING, 1962

The seventy-seventh annual public meeting and lecture of the United States Catholic Historical Society were held at Marymount College, 221 East 71st Street, New York City, on Wednesday evening, November 14, 1962. During the business meeting the president, John V. Connorton, reported on the completed revision of the by-laws of the Society, a project for the microfilming of the Society's past publications, many of which are out of print, and the establishment of an annual "King Lecture" in the spring of the year. The King Lectures, founded through the generosity of Miss Ethel and Miss Olive King, would commemorate the late William R. and Percy King. The former joined the Society in 1902, served for many years on its council, and was vice-president at the time of his death in 1919; his son, Percy King, became a member in 1903 and held the office of president from 1927 until his death in 1939.

Dr. Connorton next invited the chairman of the nominating committee, David C. Broderick, to read the report of his committee. The following candidates were proposed: president, the Reverend James A. Reynolds; vice-president, Paul G. Reilly, treasurer, Fred R. Beaudry; secretary, George B. Fargis; and as directors, the Reverend Francis X. Curran, S.J., the Right Reverend John H. Harrington, the Reverend Vincent C. Hopkins, S.J., Ben Regan, and Victor L. Ridder. Upon motion duly made and seconded, the secretary was directed to cast one ballot for the election of the proposed candidates. The president then adjourned the business meeting and presented the Right Reverend Joseph N. Moody, who presided for the remaining portion of the session as the representative of Cardinal Spellman, honorary president of the Society.

The speaker of the evening was the Reverend James J. Hennesey, S.J., professor of history at Loyola Seminary, Shrub Oak, New York. The text of Father Hennesey's address, "First Vatican Council: Views of the American Bishops," is printed elsewhere in this volume.

THE ANNUAL MEETING, 1963

The United States Catholic Historical Society held its seventy-eighth annual public meeting and lecture on Wednesday, November 20, 1963, at 8:30 p.m., at Marymount College, 221 East 71st Street, New York City. The president, the Very Reverend James A. Reynolds, presented the reports of various committees, noting in particular the Society's proposed membership campaign, its project of publishing an index volume for its *Historical Records and Studies*, and the first in its series of King Lectures, delivered on May 16, 1963, by the Reverend Vincent C. Hopkins, S.J. Father Hopkins' paper, "Religious Liberty in Question: Kohlmann's Case," is printed elsewhere in this volume.

The chairman of the nominating committee, John V. Connor-ton, proposed the following candidates for offices in the Society: president, the Very Reverend James A. Reynolds; Vice-president, Paul G. Reilly; treasurer, Fred R. Beaudry; secretary, the Reverend George E. Tiffany; and, as directors for a term of three years, the Very Reverend Florence D. Cohalan, George B. Fargis, Ben Regan, and the Honorable Harold A. Stevens. Upon motion duly made and seconded, the secretary was directed to cast one ballot for the election of the proposed candidates.

The business meeting was followed by the annual lecture. Monsignor Joseph N. Moody presided as representative of the honorary president of the society, His Eminence Francis Cardinal Spellman, then in attendance at the ecumenical council in Rome. The speaker was the Reverend Vincent F. Holden, C.S.P., whose paper, "Father Isaac T. Hecker's Vision Vindicated," may be found elsewhere in this volume.

Notice

Because of increasing demand for its publications, in both the *Monograph Series* and *Historical Records and Studies*, the United States Catholic Historical Society welcomes donation of past volumes, most of which are out of print.

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THE VERY REVEREND JAMES A. REYNOLDS
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IN MEMORIAM

The United States Catholic Historical Society records its deep regret at the loss of two of its most prominent directors and officers:

Vincent C. Hopkins, S.J.

David C. Broderick

Father Hopkins, a former president of the Society, died on April 3, 1964; Mr. Broderick, a member of the board of directors, died on May 24, 1963.

Their many years of devoted and effective service, their unfailing interest in the welfare of the Society and in every aspect of its work, and their prudent counsel, encouragement, and leadership will long be remembered by all who benefited thereby. They set a high standard for those who take up their tasks and inherit their vision.

May they rest in peace!

**The United States Catholic Historical Society
announces**

THE CARDINAL SPELLMAN PRIZE

an annual award of

\$250

**for the best manuscript submitted for publication
in the Society's annual volume of
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UNITED STATES CATHOLIC HISTORICAL SOCIETY

St. Joseph's Seminary

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POPE PIUS XII AND THE JEWS OF HUNGARY IN 1944*

BY ROBERT A. GRAHAM, S.J.

"For some unaccountable reason, historians have glossed over this instance of warmth and compassion in a period of violence and hate. In my report to Washington I stated: 'For the record, it should be stated that the Catholic hierarchy, which enjoys a large influence in Hungary, took unusual spontaneous measures to rescue Hungarian Jewish citizens wherever possible.' "**

In early July 1944, the Nazi news service reported to Berlin that Archbishop Spellman of New York had broadcast a strong appeal to Hungarian Catholics deploring the anti-Jewish measures recently introduced into the country and exhorting them to reject and renounce the practices of racism.

The archbishop voiced profound alarm at the news that the Government of Hungary had agreed to enforce a code of discriminatory laws. The speaker alluded to reports that the "unhappy segment of Israel in Hungary is being herded into ghettos after its homes and its shops had been systematically looted and pil-

* The 1964 King Lecture of the United States Catholic Historical Society, in commemoration of the 75th birthday of the Society's honorary president, Francis Cardinal Spellman, and His Eminence's 25th anniversary as Archbishop of New York, delivered at Marymount College, 221 East 71st Street, New York City, May 7, 1964. Father Graham, associate editor of *America*, is the author of *Vatican Diplomacy* (Princeton, 1959).

** Ira Hirschmann, U.S. War Refugee Board, *Caution to the Winds* (New York, 1962), p. 183.

Bibliographical Note: The most valued sources used in the preparation of this paper deserve special acknowledgment: The first is Eugene Levai, *The Black Book on the Martyrdom of Hungarian Jewry*, edited by Lawrence P. Davis, Central European Times Publishing Co., Zurich, 1948 (in English). The author had access to the archives of the Hungarian foreign ministry and was also able to cite documents of Cardinal Justinian Seregi, Primate of Hungary, from the archives of the Archdiocese of Esztergom. The second source is the two-volume documentary collection, *The Destruction of Hungarian Jewry. A Documentary Account*, edited by Randolph L. Braham, published by Pro Arte for the World Federation of Hungarian Jews, New York, 1963. These bulky volumes consist of facsimiles of original diplomatic reports, mainly from the Reich Foreign Office. Many of these documents were used at the war crimes trials and are therefore identified here also with their Nuremberg document number (NG-. . .etc.). The third is *I Cannot Forgive*, by Rudolf Vrba and Alan Bestic, Grove Press, New York, 1964. This forceful testimony to the attitude of the Vatican by an Auschwitz escapee was little noticed by reviewers when it appeared. (The lengthy citations from pp. 256-257 are used with permission of the copyright holders.)

laged." This he said, "shocked all men and women who cherish a sense of justice and of human sympathy." It was "in direct contradiction of the doctrines of the Catholic Faith professed by the vast majority of the Hungarian people." It was incredible, he went on to say, "that a nation which has been so consistently true to the impulses of human kindness and the teachings of the Catholic Church should now yield to a false, pagan code of tyranny because of blood and race."¹

The radio message beamed to Hungary was almost, but not quite, as we shall see, the opening move of what was to develop into a dramatic moral siege on Hungary by world opinion of which the stake was the lives of 200,000 to 250,000 Jews of Budapest, and the lives of yet many others elsewhere in Hungary, menaced by the gas chambers of Auschwitz.

The future cardinal's message was delivered to the OWI (Office of War Information) for transmission on June 28. It came only three days after Pope Pius XII sent a similar telegram to the Regent, Admiral Horthy. It came at the moment when the Hungarian episcopate itself was remonstrating under the leadership of Cardinal Seredi, Primate of Hungary, against these same laws, of whose real meaning they had a much clearer and direct understanding.

But I am somewhat ahead of myself.

In the spring of 1944, Hungary had the last large concentration

¹ Deutsche Nachrichten-Büro, Stockholm, July 10 (National Archives. T-175. Roll 466. Frame 2986492); Chancery Office, New York Archdiocese, press release of July 7, 1944; *Time*, July 3, wrote: "This week listeners at Europe's 36 million radio sets might have heard New York's Archbishop Francis Joseph Spellman preaching civil disobedience. The Archbishop's OWI broadcast (his first), rebroadcast by BBC, eloquently urged Hungary's nine million Catholics to disobey their government's new anti-Semitic decrees." According to the U.S. War Refugee Board (*Final Summary Report of the Executive Director*, Washington, Sept. 15, 1945, p. 53), the Spellman appeal was "inspired" by the Board. In an address before a conference sponsored by the American Jewish Committee, April 30, 1964, Cardinal Spellman stated that he had made this broadcast "on the request of Pope Pius XII." On the face of it, it is not likely that an American bishop would seem to go over the head of the Hungarian episcopate unless he was authoritatively informed that an incitement to "civil disobedience" would be welcome. According to the same report of the War Refugee Board, the broadcast was also transmitted by neutral and clandestine radios, read in the churches of Switzerland, and dropped by air over Hungary.

of Jews in the Nazi power sphere. It was soon to be the scene of the last mad fury of the racists. The toll was high. Over a half of Hungary's million Jews lost their lives at Auschwitz, or en route, or from the hardships of their enforced lot. Its end was only possible when military defeat extinguished this diabolical power.

The 1944 Hungarian drama lends itself to special treatment for several reasons. First, in its brevity. The foul deed was accomplished in a matter of nine months; the deportations to Auschwitz lasted from March until November. Secondly, in its speed—the majority of the victims perished in the first half of this period, that is, until the deportations were drastically reduced if not cut off in July. Thirdly, in the unparalleled mobilization of world opinion which fought, hope against hope, to stop or slow down the carrying out of the extermination. Fourthly, contrary to the case with similar crimes of the Nazis elsewhere, for instance, in Poland, our knowledge of events in Hungary is more detailed.

On March 19, Hitler, his forces in retreat in the East, declared Hungary an operational zone and took over control of the country. On the previous day, having summoned the Regent, Admiral Horthy, to his headquarters at Klessheim, in Obersalzburg, he expressed his indignation that "in Hungary very nearly a million Jews are able to live in freedom and without restrictions."² Under Hitler's pressure a new Government was formed under the anti-Semite Sztójay, later hanged for his crimes. While the country as a whole came under Nazi military rule, Admiral Horthy retained a certain shaky control of events in Budapest. That factor is the key to subsequent developments.

I pause at this point to note that if mention of Admiral Horthy appears frequently in this recital, in all fairness it must be acknowledged that of his sincerity and good will there seems no doubt. It is sufficient to recall that at the end of the war, although he was detained under protective custody by the Allies, no charge was made against him and he was in due course released. As for the Hungarian people, fairness also requires me to say that it is a

² Cited in: *International Red Cross Committee. Report. 1939-1947. Vol. I. General Activities* (Geneva, 1948), p. 648.

fact that until March the country had been a relative haven for the Jews, including many from neighboring countries. It was not the Hungarian people, but Hitler and his Hungarian satellites, professional anti-Semites, who bear the blame for the massacres. And while here and there in the Nazi documents we read that the Hungarian people "warmly supported" the deportations and cruelties, this is true mainly of anti-Semitic rightists, into whose hands, thanks to Hitler, the power had now fallen. I content myself with citing a *Neue Zürcher Zeitung* dispatch of July 8, which acknowledges the passive resistance of the people against the Sztójay regime. "All reports of eye-witnesses," it says, "agree that the broad masses of the Hungarian people and with few exceptions even in the intellectual circles, experience sympathy towards the Jews and give concrete expression to this feeling, in so far as it is possible under political terror."³

The West had a fair inkling of what the Nazi takeover in Hungary portended. President Roosevelt on March 24 issued a warning, to which of course the Eichmanns and the Himmlers paid no attention. There are many indications that at that time the attitude was that "nothing can be done." A neutral observer writing in Istanbul (*La Turquie*, July 27) noted pessimistically that protests of world leaders, including Archbishop Spellman, had all been in vain. The only thing to be done, he commented sadly, is to hasten the advance of the armies of liberation coming from East and West.

In the United States, defeatism also seemed dominant. This at least we can surmise from a column of Anne O'Hare McCormick in the July 15 *New York Times*, who wrote in protest against this moral surrender. The thought, she said, that the Nazis could do worse and that nothing can move them, causes a kind of paralysis in the humane impulse. "The worst thing the Germans could do," she wrote, "is to dehumanize other people and silence the voices that protest against cruelty and injustice. If they stifle moral indignation they destroy more than cities or nations; they

³ "The main current of public opinion failed to take the side of Nazism against the Jews. It proved overwhelmingly anti-Nazi and largely decent toward the Jews." Eugene Hevesy in *American Jewish Yearbook. Review of the Year 1943-44*. Vol. 46, p. 256.

win their war against the spirit of man." As for Hungary, she insisted it is not hopeless there: "It must count in the score of Hungary that until the Germans took control it was the last refuge in central Europe for the Jews able to escape from Germany, Austria, Poland and Rumania. . . . As long as they exercised any authority in their own house the Hungarians tried to protect the Jews."

Mrs. McCormick took encouragement from the papal letter to Horthy. "The Pope," she pointed out, "does not think it is hopeless."

But a change in the wind developed due to an event that had taken place at Auschwitz itself. In the middle of April, two young Slovak Jews performed the miraculous. They escaped and managed to reach their native land with their eyewitness testimony about the gas chambers.

A remarkable book by one of these two escapees published only two months ago, renders impressive witness to the Vatican's readiness and promptness in acting in assisting Jews, once the information and opportunities were to hand. I refer to Rudolf Vrba, whose book *I Cannot Forgive*, tells what happened when he explained his report on the realities of Auschwitz to the papal representative in his native Slovakia.

Vrba and another young Slovak Jew, Fred Wetzler, survived two years in Auschwitz because they had the good fortune to be singled out for needed clerical work—keeping the statistics of death. On emerging into the relative freedom and security of their native land they found that in their own Jewish communities their story met with understandable skepticism—though Slovakia is but 80 miles from Auschwitz.

The two escapees crossed into Slovakia on April 21. Already the gas chambers and crematoria were being refurbished and enlarged. "Soon we shall have fat Hungarian sausages," Vrba had heard his jailors say in explanation. A rich prize of one million Hungarian Jews had just fallen into the hands of the exterminators. It was the mission of Vrba and his friend to warn the Jews of Hungary not, at any cost, to allow themselves to be transported to so-called "labor camps" for so-called "resettlement." It was better to be told the truth and die fighting.

What happened when the news was transmitted to the Jewish leaders in Budapest is still not clear and is certainly controverted in Jewish circles. Already the negotiations between Rudolf Kastner and Adolf Eichmann for 10,000 winterized trucks in exchange for a few thousand Jews were under way.

Before very long Vrba learned that, despite his warning—which he was assured had indeed reached Budapest and was in the right hands—the Jews were not warned, did not revolt, and what was worse the transports were rolling through the Slovak town where he was living.

Vrba has entitled his book *I Cannot Forgive* and this suffices to suggest the speechless fury, the despair and bitterness that overwhelmed his soul as he came to realize that his warning had gone in vain up to that moment. But he was understandably slow to comprehend the magnitude of the debacle. Finally, one day after many weeks, a Jewish community leader, himself disturbed, informed him that his report had been given to the papal representative at Bratislava and that his presence was requested. I quote from page 256 and following:

“What do you mean?” I asked. “Is there some trouble? What’s the papal nuncio got to do with it?” His interlocutor shrugged his shoulders. “Never mind about that for the moment. The point is that he wants to see you.”

I continue with Vrba’s description of what was to prove a turning point. Monsignor Joseph Burzio, later nuncio in Bolivia and Cuba, at that time was Vatican chargé d’affaires in Bratislava. “He was a tall, elegant man of about 40 and, as he rose to greet me, I saw that he had a copy of my report in his hand. After a few preliminary courtesies, he got down to business; and for six hours cross-examined me with all the skill of an experienced lawyer. He went through the report line by line, page by page, returning time after time to various points until he was satisfied that I was neither lying nor exaggerating; and, by the time we had finished dissecting the horrors about which I had written, he was weeping. ‘Mr. Vrba,’ he said at last, ‘I shall carry your report to the International Red Cross in Geneva. They will take action and see that it reaches the proper hands.’”

The writer added: “At the time I did not realize the significance

of this meeting. I did not know that the mission which I had undertaken when first I had begun to compile statistics in Auschwitz had yet to be completed. I did not know that Doctor Kastner had not warned the Hungarian Jews that they were going to die; that he was conducting mysterious negotiations with Adolf Eichmann in Budapest. I did not know that the Hungarian transports were going day and night to Auschwitz, that the SS were breaking all records by murdering 12,000 Hungarians every 24 hours. I did not know that already 200,000 of those I had tried to save, those whom I thought, indeed, I had saved, were already dead. I did not know that others were about to act, while the Jewish Council in Budapest talked with the man [Eichmann] whose job it was to exterminate one million of their people; that, to quote the British historian, Gerald Reitlinger, the bombardment of Admiral Horthy's conscience was about to begin. The papal nuncio took my report to Geneva. From there it went to Pope Pius XII, to Prime Minister Winston Churchill and to President Roosevelt."

I think you will agree that it is significant that the second contact to which the Jews in Slovakia turned, after the Budapest leaders, was the Vatican representative. In itself this indicates an atmosphere of trust and confidence based upon experience of previous years in Slovakia, in which the Pope's mind was clearly known to the Jews—a story by the way that remains to be told also. This trust was not disappointed.

You can be sure that, if the Vatican representative presented the report of the two Slovaks to the Red Cross in Geneva, he first of all sent it to his own chief, the Holy Father in Rome. It is impressive to review the chronology as world protests began to grow and national leaders and governments went on record.

On June 25 the Pope sends an open telegram to Horthy. Three days later, on June 28, Archbishop Spellman of New York delivered his impassioned appeal (already mentioned) to Hungarian Catholics. Two days later still, on June 30, King Gustave of Sweden sends his own appeal to Horthy. On July 5, Max Huber, president of the International Red Cross Committee, queries Horthy diplomatically about the reports already stirring the West. On the same July 5 Foreign Secretary Eden acknowledges receipt of the news about the disaster impending for the Hungarian

Jews and says the BBC would be employed to warn the Hungarian Government. On July 9 the Archbishop of Canterbury appeals through the BBC to the Christian population to aid the Jews in every way. On July 14 Secretary of State Cordell Hull warns Hungary of the retribution that would be exacted for crimes against the Hungarian Jews.

This is the text of the Pope's open telegram to Admiral Horthy, Regent of Hungary, of June 25:

"Supplications have been addressed to Us from different sources that We should exert all Our influence to shorten and mitigate the sufferings that have, for so long, been peacefully endured on account of their national or racial origin by a great number of unfortunate people belonging to this noble and chivalrous nation. In accordance with our service of love, which embraces every human being, Our fatherly heart could not remain insensible to these urgent demands. For this reason we apply to your Serene Highness, appealing to your noble feelings, in the full trust that your Serene Highness will do every thing in your power to save many unfortunate people from further pain and sorrow."⁴

Admiral Horthy was not, of course, a Catholic, although on this score misapprehension seems to be rather widespread. In fact, although Hungary has rich and profound Catholic traditions, the Catholic population is only about 65 per cent of the total. What is more, the ruling circles are or were predominantly Protestant.

The phraseology of the papal telegram may seem vague and mild, for those who do not know or care about the language of diplomatic exchanges. Some may find significance of sorts, I know not what, in the fact that the Pope does not use the word "Jew" in his message. Those who make complaints on this score betray their ignorance, their prejudice, or both. In Budapest, Horthy and his government understood full well what the Pope meant, and acted accordingly as the political situation dictated. On July 1, the Regent replied:

"I have received the telegraphic message of Your Holiness with deepest understanding and gratitude. I beg Your Holiness to rest assured that I shall do everything in my power to enforce the

⁴ Levai, *The Black Book*, p. 232.

claims of Christian and humane principles. May I beg that Your Holiness will not withdraw your blessing from the Hungarian people in its hours of deepest affliction."

In Budapest the ruling circles—whether Hungarian or German—were fully conscious of the moral barrage coming at them from neutral and enemy countries. Vrba attributes this to the action of the Vatican envoy in Slovakia to whom he had communicated his story: "When I spoke with the papal nuncio at Svaty Jur (Bratislava suburb) I had of course no idea of the international repercussions which would result from our meeting."

Vrba is certainly entitled to ascribe the ferment in mid-1944 to the influence of his letter. In early July the Allied press, without identifying the source, gives details which follow closely the information and statistics carried in the Vrba report. For instance, we read in the *New York Post* of July 7: "We have the news before us that in the two years since April, 1942, the German Government put to death almost 1,750,000 Jews in two Silesian camps alone. This came to us in great detail as an official report of the Government of Czechoslovakia." In the *New York Times* of July 6, a Bern dispatch reports Swiss sources as revealing two years' "successful concealment" of the existence of two "model extermination camps" for Jews at Auschwitz and Birkenau. For two years, ending April 15, 1944, 1,715,000 Jews were disposed of. Other citations can be given from Swiss, American, and other sources which bear the stamp of the Vrba-Wetzler report brought to the world by papal channels, after having been unexplainably pigeonholed in Budapest.⁵

⁵ A résumé of the Vrba-Wetzler report was published, without identification of the authors, by the U.S. War Refugee Board, *German Extermination Camps* (Nov. 1944, Washington, D.C., 40 pp., mimeog). An intercepted telegram from the British embassy in Bern cited the reported two-year toll at Auschwitz-Birkenau. Braham, *Destruction*, II, 734. Wagner to Kaltenbrunner, July 5.

Levai, *Black Book*, p. 229, refers to a demand to stop the deportations sent by President Roosevelt, dated June 26. Kastner in his Report says it was transmitted to Horthy through the Swiss minister and was a virtual ultimatum. *Der Bericht des Jüdischen Rettungskomitees aus Budapest 1942-1945. Vorgelegt von Dr. Rezsö Kasztner.* (Geneva, 1946), pp. 57f. Mimeog. No mention of this Presidential intervention occurs in the *Final Summary Report of the Executive Director, War Refugee Board* (See note 1) nor in *With Firmness in the Right. American Diplomatic Action Affecting the Jews, 1840-1945*, edited by Cyrus Adler and Aaron M. Margalith, The American Jewish Committee (New York, 1946).

Let us proceed to develop the full amplitude of the papal action at the end of June and the beginning of July, as the fate of the Jews of Budapest hung in the balance. For reasons of space, we pass over the early Vatican interventions in the first days of the German takeover in Hungary and the inception of the deportations.⁶

Simultaneously with the telegram to Horthy, the Pope instructed his nuncio in Budapest, Archbishop Angelo Rotta, to arouse the Hungarian episcopate to even more energetic protests in defense of the Jews and in support of the Vatican démarche.

I quote at length the particularly pertinent passages appearing in Cardinal Seredi's report to the Hungarian episcopate, dated July 9. As a contemporary document destined for the private information of the other bishops, it reveals very clearly how the mind of the Pope was interpreted in those days. The report is entitled, "The Persecution of Hungarian Citizens of Jewish Origin."

"When the Joint Pastoral embodying their [the Archbishop of Eger and the Bishop of Győr] remarks had already been prepared, His Excellency, the Apostolic Nuncio in Budapest, by his letter of the 27th of June of the current year, officially informed me that the Holy Father, too, is asking the Hungarian episcopate to defend even publicly Christian principles, for our fellow citizens unjustly persecuted on racial lines, and especially to stand firm in the defense of Christians, lest our inclination to yield would be unfavorably judged and would be damaging both to ourselves and to Hungarian Catholicism. I need hardly say that I have explained to the Lord Nuncio through the Auditor he had sent to me, that, as a matter of fact, we were not 'inclined to yield' at all, but we tried to reach our ends by honest negotiations, in order to

⁶ Details are given in Chap. VII, "Diplomatic Intervention of the Papal Nuncio," of Levai's *Black Book*, pp. 197-212. On April 18 the nuncio, Archbishop Angelo Rotta, wrote to Premier Sztójay to induce him to adopt a more lenient attitude towards the Jews. On April 27 Rotta told the Deputy Minister of Foreign Affairs that the Pope "exceedingly regretted" the trends in Hungarian policy. On May 15, when the actual deportations began, a more formal cry of alarm and protest was contained in a note to the foreign ministry. Under date of June 5 the nuncio wrote to Premier Sztójay recalling in forceful terms the points of his earlier interventions, including his appeal "to put a stop to the deportation of the Jews." On June 6 Sztójay protested the vigorous language contained in the nuncio's message.

avoid worse evils. However, as we had achieved our goal in a very meager degree, we were just about to address a circular letter to the faithful by the pastors, the final text of which I was now able to show to the Very Rev. Auditor. At the same time I told him that we accepted the message coming from the Supreme Authority with filial homage due to His Holiness; yet, we really had no need to be urged, for I had clearly alluded to the future publication of this joint pastoral letter as early as May 10, in my letter to the prime minister, and we had already decided on the publication of this pastoral letter several weeks before the receipt of the intimation of the Lord Nuncio."⁷

We have yet more evidence of the activity of Nuncio Rotta at this time following the instructions of the Holy Father. The diplomats of the neutral countries met together under the chairmanship of the nuncio, dean of the diplomatic corps, and as a result they presented a new protest to the Sztójay government demanding firmly that the inhuman persecution of the Jews and the deportations be stopped at once.⁸

Finally, on July 6 the Regent Horthy ordered the Prime Minister Sztójay to suspend execution of the plans already drawn up for the deportations from Budapest, scheduled to take place on July 10. Horthy's reasons we learn, among other ways, through an urgent telegram of the Nazi plenipotentiary, Edmund Veesenmayer, to Ribbentrop on that same day, July 6. He announced that he had just been informed by telephone by Sztójay that the Regent had stopped the deportations. Said Veesenmayer, quoting Sztójay:

⁷ Cited from the booklet, *Important Declarations of Dr. Justinian Cardinal Seredi. Taken from his pastoral letters and speeches which refer to actual ecclesiastico-political questions.* (Budapest, 1946, in English). One more indication of papal intervention at this period may be introduced here. Archbishop Bernard Griffin of Westminster toward the end of June 1944 was asked by the World Jewish Congress to appeal to the Holy Father to intervene on behalf of the Hungarian Jews. He received this reply from Cardinal Maglione, papal Secretary of State: "Reply your telegram of July 3 Holy See through nuncio Budapest has left nothing undone and is still doing everything possible to alleviate sorrowful plight all those who are suffering on account of nationality or race." In revealing this, the Archbishop of Westminster noted that in their own letter of thanks the World Jewish Congress said they had just heard from Myron C. Taylor, President Roosevelt's personal representative to Pius XII, "What we have heard, situation in Hungary has improved." (London, *Tablet*, Nov. 11, 1944).

⁸ Levai, *Black Book*, p. 250.

"The regent and the Hungarian regime are under a drumfire (*Trommelfeuer*) of telegrams, appeals and threats. The King of Sweden has repeatedly telegraphed; the Pope likewise. The papal nuncio is with the Regent and Sztójay several times every day. The Turkish, Swiss and Spanish government have also intervened."⁹

Veesenmayer could not have been surprised by the suspension ordered by Horthy. Two days before, in an interview with him, Horthy had displayed his concern with developments and sensitivity to the world protests. "On the Jewish question," reported the Nazi plenipotentiary, "he mentioned that he is bombarded (*bombardiert*) every day from every side—from within the country and from without—with telegrams, for instance, from the Vatican, the King of Sweden, from Switzerland, the Red Cross and the like."¹⁰ Berlin reacted with furious and indignant threats to Horthy, which were met with delay, excuses and counter-arguments.¹¹ On July 18 the International Red Cross Committee in Geneva announced it had been officially informed that the deportations had stopped.¹² For the moment, the Jews of Budapest could enjoy a fragile respite. But by this time (July 10), 437,402 Jews from outside of Budapest had been sent "for allocation of labor" to the "East."¹³

I will add one more citation from the German diplomatic archives appertaining to this phase of the Jewish tragedy in Hungary. It is a report of Veesenmayer of July 13 to the Foreign Office regarding Horthy's political attitude. He said he was reliably informed that Horthy had been overwhelmed (*überhäuft*) with appeals warning him against the present course. In this connection, Horthy was reported in the same dispatch as having mentioned not only the message of the Pope and the King of Sweden but also even a letter from the King of England.¹⁴

⁹ Braham, *Destruction*, II, 425-429 (NG-5523). Veesenmayer to Ribbentrop, July 6.

¹⁰ *Ibid.*, II, 419-424 (NG-5684). Veesenmayer to Ribbentrop, July 6.

¹¹ Levai, *Black Book*, p.252; Braham, *Destruction*, II, 437-38. Veesenmayer to Ribbentrop, July 8.

¹² Levai, *Black Book*, p. 311.

¹³ Braham, *Destruction*, II, 443. Veesenmayer to Foreign Office, July 11 (NG-5615); also, *ibid.*, II, 533 (NG-5573). Wagner for Ribbentrop, Oct. 31.

¹⁴ *Ibid.*, II, 449 (NG-5577). Veesenmayer to Foreign Office, July 13.

Would you like to know how the Nazis themselves interpreted the events just described—the frustration of the Jewish deportations from Budapest? The Party's own house information organ, *Die Lage*, under date of August 23—six weeks after Horthy's veto of the deportation plans—wrote confidentially as follows to its readers: "The deportation of the Jews from Budapest was to have been the final phase of the Jewish measures. There were about 260,000 in question. In the meantime, however, pressure from the enemy and from neutrals (Hull, the King of Sweden, Switzerland, the Pope), had become so strong, that the pro-Jewish circles in Hungary tried to influence the Hungarian government to hinder further Jewish measures and especially their delivery over to German hands. The Hungarian gendarmerie, originally sent to Budapest for the deportation of the Jews, were again withdrawn. And when the date for the beginning of the deportations passed, without anything happening, the Budapest Jews felt themselves already on top again and—in view of the military developments—put on a display of triumph."¹⁵

The battle for the Jews of Budapest now took a new form. A government order of July 12 allowed those Jews who had become Christians to found their own society, the Union of Baptized Jews. Their membership in this body gave them a certain immunity from the anti-Jewish laws.¹⁶ The Axis press scoffed at the vast influx into the Church. There was a *Tauffieber* in Budapest, they sniffed. In mid-July a German spokesman noted caustically that the number of baptisms of Jews in the last 15 days was greater than all those in the past 15 years put together.¹⁷

This is a story by itself, which deserves more attention than is here possible. It is to be noted that, according to some statistics, there were 4,770 officially registered baptisms of Jews. (A release certificate from a rabbi was required beforehand.) But the situation becomes a little clearer when it is noted that whereas there

¹⁵ *Ibid.*, II, 474.

¹⁶ Philip Friedman, *Their Brothers' Keepers* (New York, 1957), pp. 86-89.

¹⁷ German spokesman quoted in *Informaciones* (Madrid), July 15; *Pariser Zeitung*, July 14 ("Taufieber der Budapester Juden"); Raul Hilberg, *The Destruction of the European Jews* (Chicago, 1961), p. 540.

were 4,000 or more registered baptisms, there were extant about 80,000 baptismal certificates!¹⁸

Naturally the papacy never formally authorized the issuance of fraudulent baptismal certificates, but the story told by Ira Hirschmann, representative in Istanbul of the U.S. War Refugee Board, indicates what at least Archbishop Roncalli, the future Pope John XXIII, interpreted as the mind of the Pope. According to Hirschmann, the apostolic delegate approved a plan for the "baptism" of Jews in Hungary to facilitate their departure from the country. It is not exactly clear from the published account whether there was question of formal baptismal ceremonies or simply the issuance of false certificates.¹⁹ It is clear that the delegate sanctioned what he thought was within the intent of the Pope. Indeed, in later years, when Patriarch of Venice, the then Cardinal Roncalli insisted with a Jewish interviewer that whatever he did in Istanbul for the Jews he did with the knowledge or approval of the Pope, Pius XII. His standing instructions from the Pope were summed up in this order: "Above all, save human lives!"²⁰

In any case, the diplomatic record shows that the papal nuncio, acting under the orders of the Pope, was maintaining constant pressure on the regime. I may cite in this connection an August 24 dispatch of Veessenmayer to Berlin who reported, after a conversation with Horthy, that the nuncio had a few days ago called on the Regent in the name of the Pope and informed him that the Pope would offer a guarantee that Budapest would not be bombed, so long as the deportation to the Reich of the remaining Jews remained suspended. Veessenmayer goes on: "I may add that many of our so-called Hungarian friends, contrary to their previous position, favor a solution of the Jewish question on the basis of

¹⁸ Levai, *Black Book*, p. 292.

¹⁹ Hirschmann, *Caution to the Winds*, pp. 179-185.

²⁰ "As the Israeli consul in Milan in 1959, I had the honor to make a courtesy call on Cardinal Roncalli, then the Patriarch of Venice. I expressed the appreciation of our government for his valuable help which he extended to hundreds of Jewish refugees from Europe during the time he was apostolic delegate in Turkey. The Patriarch would not even let me speak, and interrupted me with the statement that in all these painful matters he had turned to the Holy See and then simply acted according to the papal instruction: 'Above all, save human lives!'" Pinchas E. Lapide, *Rheinische Merkur*, Feb. 21, 1964, cited in Edgar Alexander, *The Pope and Hitler* (Nelson, New York, to be published), document n. 71.

the measures envisaged by the Regent, because a panicky fear of heavy bombardment reigns constantly even in high circles."²¹

In mid-October, Admiral Horthy abdicated under German pressure. Replacing him in power were the leaders of the Arrow Cross, the Hungarian Nazi Party, 100 per cent anti-Semites. The puppet regime was of questionable legitimacy and, from the Vatican's standpoint, in normal times a decent interval would have elapsed before any step was taken implying recognition. But these were no ordinary times and lives were at stake. The task was only too compelling. It is in fact not at all clear that the Holy See ever did formally recognize the new regime—whose duration, need it be said, everyone knew would be only a matter of months.

But there seems to have been little hesitation on the part of Nuncio Rotta who within a few days called on the new foreign minister, Baron Kemény, and urged him to employ the greatest possible moderation in dealing with the Jewish question.²² Furthermore, on October 21, the nuncio also had a two-hour talk with the new premier Szálasi, of which time half was devoted to the plight of the Jews. Szálasi's reaction was a promise that the Jews would not be deported or exterminated, although he said that it was his duty to see that the Jews should "work for Hungary."²³

The situation worsened for the Jews. Curiously enough, just at this time, in the beginning of November, 100,000 more Jews came into Budapest, apparently in the belief that they were safer in the capital.²⁴ The situation was truly explosive. It was at this point that there appeared a Vatican "White Paper" on its work for the Jews of Hungary. It was issued from the Bern nunciature, under date of November 16, with the explanation that it was sent from Rome itself. Since the Cardinal Secretary of State, Aloisius Maglione, had died shortly before, the document may be taken as emanating directly from Pope Pius XII.

²¹ Braham, *Destruction*, II, 479 Veessenmayer to Foreign Office, Aug. 24. The walls of Jericho do not crumble just because Vatican trumpets blow. The deteriorating military situation (collapse of the Eastern front and the successful June 6 Normandy landings) were probably more decisive than world public opinion in influencing Hungarian policy. On July 2 Budapest underwent a heavy Allied bombardment.

²² Levai, *Black Book*, p. 354.

²³ *Ibid.*

²⁴ *International Red Cross Committee. Report*, p. 651.

The statement on the Holy See and the persecution of the Jews in Hungary, issued in Bern by the nunciature in Switzerland, November 16, 1944, said:

"The Holy See has always striven, with all the means at its command, to alleviate the sorrows and sufferings of those who, because of their nationality or their race have been exposed to persecution. As soon as the so-called race question came to the forefront in Hungary, the Holy See on repeated occasions intervened with the Hungarian regime for persons of Jewish extraction. Many diplomatic notes were dispatched in this connection. But last June the situation got very much worse and more severe measures than before were announced as imminent, even deportation not being ruled out.

"As soon as the Holy See received this information, it took every possible means to prevent such a hateful measure from being carried out. Special urgings were made also to the Hungarian episcopate to deploy their activity in this sense.

"The Holy Father in addition, personally, on June 25, sent an open telegram to the Regent Horthy and appealed to him to use all his authority that new suffering and new sorrows should be spared so many unfortunates. If, in the aftermath, the deportation of Jews was suspended and their plight somewhat improved (up until the last weeks), this is due to the intervention of the Holy Father.

"Recently, the situation has deteriorated due to political developments. The Holy See has, however, hastened as before to give its full attention to this grave problem.

"It is hardly necessary to say that, in spite of the increasing difficulties—not the least of which is that of maintaining communication—everything will be tried in order to bring assistance to these persons. The nunciature and the Hungarian episcopate, working to this end, have on many occasions sent memorials and protests to the authorities.

"The Holy Father himself on the occasion of the Day of Prayer and Penance which the Hungarian Cardinal Seredi organized for the 29th of October, personally sent an open telegram to these church leaders and once again expressed in the most impressive way possible his lively concern for 'those persons who by rea-

son of their religious beliefs, their racial origin (*Abstammung*) or on political grounds have suffered violence and persecution.'

"From these facts it is seen that the Holy See has not only clearly condemned the persecution of the Jews in Hungary, which shocked the world in the past months, but also, from the beginning onward, acted in an efficacious way to bring about an improvement of the lot of these unfortunates."²⁵

The Pope's concern was not limited to baptized Jews but extended to all Jews, baptized or not. In this respect the scope of the papal interventions comes out clearly in the 1944 documents cited here. In his June 25 telegram to Horthy, Pius XII appealed on behalf of those suffering "on account of their national or racial origin." In the November 16 "White Paper," the Vatican recalled its constant efforts to aid those exposed to persecution "because of their nationality or their race." In the same paper it is stated that in his telegram of October 29 to the Hungarian Catholics, the Pope manifested his sympathy for those who suffered violence or persecution "by reason of their religious beliefs, their racial origin or on political grounds." In Cardinal Seredi's letter of July 9 we read that the nuncio, in the name of the Pope, had urged the bishops to defend Christian principles on behalf of "our fellow citizens unjustly persecuted on racial lines."

There is no hint that the non-baptized Jews were in any way excluded from the Pope's concern. It is of course evident that a special obligation existed in regard to those Catholics who were Jews in the meaning of the anti-Semitic laws. The Church's insistence that such Catholics be given special recognition and status was not made in any spirit of exclusiveness or implicit anti-Semitism. The ready will of the Catholics to extend the advantages of these legal exceptions for the benefit of the non-baptized by every possible means, including the liberal issuance of "fraudulent" baptismal documents, is sufficient indication of genuine sympathy for the plight of the Jews.

Part of the misunderstanding that evidently still persists in

²⁵ The statement issued from the Swiss nunciature was reported to the Foreign Office in the *Auslands-Presse-Bericht*. Braham, *Destruction*, II, 728-730 (National Archives. T-120. Series 2722. E421691-693). Its authenticity and accuracy have been confirmed to this writer by the nunciature.

some quarters over this matter is due to taking too much at face value the statements issued by the Nazis themselves. The officials had every reason, from their own standpoint, for alleging in their reports and in their negotiations with Church leaders that the Catholics were only interested in the baptized Jews. A typical instance of this is offered by a report of the SS chief in Budapest, Otto Winkelmann, who wrote to Himmler on July 7: "The Nuncio and the Prince Primate Seredi—a Magyarized Slovak—intervened constantly with the Regent over the Budapest Jews. That in this connection they are interested really only in the baptized Jews is founded of course on the nature of the Church."²⁶

Such an attitude was serviceable to the Nazis because it left for them the possibility of rejecting appeals for non-Christians on the grounds that this was not the business of the Church. On the other hand, the Nazis in Hungary apparently thought that by exempting Christian Jews their hand would be freer to deal as they saw fit with the rest. It has been alleged by a recent American writer in the *Jewish Spectator* (Feb. 1964): "On July 6 he [Seredi] ordered the letter [of June 29] suppressed when he was promised that henceforth only Jews who were not Christians would be deported and that Christian Jews would be exempt." The fact of the matter, as Seredi's own July 9 account of the negotiations makes clear, is that the Primate agreed to withdraw the pastoral from *public* reading on condition that he would be assured that the Government would remedy the infringements of the citizens' rights and particularly that the deportations should cease. Upon receiving "a reassuring promise in the name of the Prime Minister," Seredi sent his message deferring public reading until further notice.²⁷ It is true that the Hungarian officials later promised only that they would exempt baptized Jews from future deportations, if these should be resumed. But this counter-proposal was never accepted by the bishops or by the nuncio.²⁸

²⁶ Braham, *Destruction*, II, 430 (NG-2669). Winkelmann to Himmler, July 7.

²⁷ The telescoped description of this episode given in Hilberg, *Destruction of the European Jews*, pp. 539f., is garbled and misleading.

²⁸ On July 15 Nuncio Rotta sent a strong letter to Sztójay, expressing his entire dissatisfaction with the counter-proposals submitted by the Prime Minister. Levai, *Black Book*, p. 226.

It is also said by some writers that the bishops and the Pope were not against the deportation of the Jews in principle but only because of the way in which it was carried out. Thus, one American author has written that the Hungarian bishops "attacked not the principle of deportation but the cruelties that accompanied them."²⁹ Such an allegation is completely at variance with the citations given in this paper and contradicted even more in the complete texts. These were protests against innocent victims of an unjust law, on behalf of those whose only offense was membership in a given group. The deportations were wrong in principle, as the bishops saw it, because they violated the rights of Hungarian citizens as well as because of their cruelty. The fact that these Hungarians were also Jews did not deprive them of their rights.

The Vatican and all those engaged in active work for the Jews had reason, in mid-November, to express their renewed alarm. On November 13, Berlin was informed that Eichmann had already dispatched 27,000 able-bodied Jews on a foot march to Germany, destination unknown. An additional 40,000 more were to go off in groups each day of 2,000 to 4,000.³⁰

On November 17 the neutrals (The Holy See, Sweden, Switzerland, Portugal and Spain) issued another protest. Alluding to the euphemistic phrases used by the regime to cover over the true meaning of the removal of the Jews, they said: "The representatives of the neutral countries, however, are fully aware of the cruel reality behind these words 'labor service' and the sorry plight facing the majority of the unfortunate victims. It is enough to remember that babies and old and sick people are among those dragged from their homes, to realize that there is no question of labor, but the end of this tragic journey can be foreseen from the cruelties committed in the execution of the transport." The diplomats demanded the complete cessation of the mass movement of Jews.³¹ (In fact, as we know now, the destination of the deportations

²⁹ Joseph Tenenbaum, *Race and Reich* (New York, 1956), p. 488, n. 144.

³⁰ Braham, *Destruction*, II, 527 (NG-5570), Veesenmayer to Foreign Office, Nov. 13.

³¹ Levai, *Black Book*, pp. 358-359; for Premier Szálasi's intentions in anticipation of his meeting with the neutral diplomats as related by Veesenmayer to the Foreign Office, Nov. 15, see Braham, *Destruction*, II, 716.

after October was not the gas chambers of Auschwitz but camps elsewhere. But it remained a death march, nevertheless.)

These protests were not mere verbal efforts, *pro forma*, without any real effect on the course of events. All during the previous months, a host of devices had been invented to minimize the force of the deportation orders. Exemptions, special categories, systems of protection and asylum had been built up and recognized by the regime. I do not detain you with a description of the complicated stratagems adopted by the Swiss, the Swedes, the International Red Cross, by Spain and Portugal. I do not relate the personal work of individuals such as the Swedish representative, Raoul Wallenberg. Nor do I relate the work of the Hungarians who risked their lives. Included among these are the Bishop of Győr, Wilmos Apor, and the Bishop of Veszprem, the future Cardinal Mindszenty. In these final weeks of the Jewish tragedy, some incredible things stranger than fiction went on, possible only with the complicity of the growing confusion if not the connivance of the powers that were. The neutrals issued their own certificates of protection. One report puts at 15,000 the number of Jews in Budapest who enjoyed Vatican protection in these months. The owners of this, for the most part, according to the historians of those days, were able to save their lives.³²

When a "scrap of paper" means the difference between life and death even a legalist will not harbor scruples for long. Should one be shocked or scandalized that some corner-cutting took place? The story is told of a Hungarian voluntary Red Cross worker who candidly declared to the nuncio one day that he habitually issued false documents (fake identity cards, false baptismal certificates, etc.). He wanted blank Vatican safe-conducts which he could fill out on the spot when need and opportunity arose. The nuncio handed over to him hundreds and thousands of such forms, signed by the papal envoy but with the place for the name of the beneficiary left blank. According to the story the nuncio said: "My son, your actions please God and Jesus, as you are rescuing innocent people. I grant you absolution in advance. Continue your work for the glory of God!" According to the Jewish historian, Levai, the Red Cross worker filled out the cards

³² Levai, *Black Book*, p. 354.

on the highways of death and brought several thousand Jews back to Budapest.³³

But the end was nearing of this frightful nightmare, whose horrors one can only dimly perceive today through the cold reports which provided the basis for this paper. The last Jew to die by gassing in Auschwitz was in a group of 20,000 persons brought from Theresienstadt in the first two weeks of November. On December 8, the deportations from Budapest stopped. Nevertheless the agony of the Budapest Jews was not over. The Arrow Cross militiamen continued to hunt down Jews who were in hiding or living under false papers. More than 10,000 died in the winter months of December-January, even in the houses of protection maintained by the Swedish and Swiss legations, from sickness, hunger or violence. The Soviet army entered Pest, on the right bank of the Danube, where all the major ghettos were located, in mid-January.

On February 13, Buda also surrendered to the Red Army. In all this period 540,000 Hungarian and 10,000 refugee Jews died. 150,000 Budapest Jews survived and 40,000 in the provinces.

I have tried, within the limits of the time at our disposal and the current state of documentation, to bring to the foreground some redeeming and inspiring aspects of tragic times. For the papacy, the war was an hour of unparalleled anguish. But it was also a call to service and mercy—and to witness. But to what kind of witness? In these latter days a new and strange style of judging human conduct has come into vogue in some places. According to this concept, the highest morality consists in giving vocal expression to moral indignation—and that without any regard to other moral considerations, the rights of innocent third parties, or, indeed, without any regard to real good accomplished. A world leader is judged not by deeds, in this spurious idealism, but by the number and violence of public statements made in and for the public press. The ringing phrase, the round of denuncia-

³³ Anecdote related by Levai, *ibid.*, p. 372; Hirschmann, *Caution*, pp. 184-185; at a "War Emergency Conference" in Atlantic City, the World Jewish Congress extended its thanks to the Holy See and to the governments of Sweden, Switzerland and Spain, for the protection they gave under difficult conditions to the persecuted Jews in German-dominated Hungary. See *New York Times*, Dec. 2, 1944.

tions, the fiery word, have become the hallmark of the highest morality, while unassuming service, disinterested mercy and effective action are relegated to the background as insignificant and irrelevant.

In this respect a great injustice has been done to the memory of Pope Pius XII, who is scourged for his alleged silence. The record of the Hungarian crisis of 1944 sketched here ever so briefly, demonstrates that the Pope was not silent at all, and certainly not indifferent or apathetic as his detractors would have it.

I was asked recently on a public occasion what Christ would have done had He lived during the second World War—had He been Pope instead of Pius XII. The question answers itself. It is curious that those who charge the Vicar of Christ with not living up to his own declared character fail to comprehend the inanity of their own accusation. Christ went about doing good and teaching the people. Some of His disciples, no doubt, would have had Him go further. Still others would have made Him king by force—to be used for their own purposes, later to be cast aside when His usefulness was over. But though Jesus displayed on many occasions how ardent was His zeal for His Father's house, He did not fulminate against the invaders, the tyrants, the mass murderers of His time. Christ had quite another mission from His Father. It was exemplified in the parable of the Good Samaritan, who bound up the wounds of a total stranger fallen among thieves.

I believe that when historians put their final verdict on the pontificate of Pius XII they will acknowledge that, with due allowance for the weak powers of our common mortality, he was an angel of mercy bearing witness to the spirit of Christ in works of conciliation, mercy, and humility, enduring for his pains misunderstanding, misinterpretation and calumny, like the Master whom he wished only to serve and to imitate.

FIRST VATICAN COUNCIL: VIEWS OF THE AMERICAN BISHOPS*

BY JAMES J. HENNESEY, S.J.

The First Vatican Council—the twentieth in the long series of ecumenical councils which stretches back to that of Nicaea in the year 325—was held in the north transept of St. Peter's Basilica from December 8, 1869, until September 1, 1870. On September 20, 1870, the troops of Victor Emmanuel II entered Rome through the Porta Pia to put an end to a thousand years of papal rule in the States of the Church. Exactly a month after the breach of the Porta Pia, Pius IX prorogued the council in the bull *Postquam Dei munere*, and its sessions were never resumed. For all practical purposes, the council had actually come to an end on the previous July 18 with the solemn proclamation of the primacy and infallibility of the pope.

The story of the part played by the bishops of the United States in the deliberations of the First Vatican Council has never excited undue interest among historians of the American Church. A very few articles have appeared on one or the other of the American participants. One of the more significant contributions was that made by Father Henry Browne in his edition of the letters of Bishop McQuaid from the council.¹ The only over-all study of American participation was written by Raymond J. Clancy and appeared in the 1937 issue of this society's *Historical Records and Studies*.²

Various reasons have been advanced for the comparative neglect of this particular chapter of American Church history. In the eighty-nine general congregations, or working sessions, of the

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¹ Henry J. Browne, ed., "The Letters of Bishop McQuaid from the Council," *Catholic Historical Review*, XLI (January 1956), 408-441.

² Raymond J. Clancy, C.S.C., "American Prelates at the Vatican Council," *Historical Records and Studies*, XXVIII (1937), 1-135. Unless otherwise noted all data in the present paper on American participation in the council is taken from the official transcripts in Joannes Dominicus Mansi, *Sacrorum conciliorum nova et amplissima collectio* (Arnhem and Leipzig, 1923-27), XLIX-LIII.

council which took place between December 1869 and September 1870, only eight of the forty-nine prelates from the United States who were present ventured to speak from the rostrum. They gave a total of twenty-four speeches. This was hardly an impressive performance. In his perceptive analysis of the emergence of liberal Catholicism in America, Robert D. Cross has indicated a fundamental reason for the comparative silence of the Americans in the council hall. It was that they came to Rome for the most part ignorant of the issues to be debated.³ I would grant that this is true, given the actual problems which were discussed at the council. They were primarily European problems, phrased in European terms. However, it would seem to be unfair to judge the Americans solely by that yardstick.

The battle between liberal and conservative elements in the European Church had reached fever pitch by 1869, and it had political overtones—and roots deep in the ideological struggle engendered by the French Revolution—which were really alien to the thinking and to the day-to-day concern of the American bishops.

Separation of Church and State—a baleful expression of the Spirit of '89 to the European conservative—was, in its American form, the hope and shield of the four and one-half million Catholics, largely of immigrant stock, who lived in a predominantly Protestant United States.

The question of papal infallibility, which by the late sixties had become a focal point of liberal-conservative conflict for Europeans, did not possess the same urgency in the gold fields of California, or in the legendary Wild West, or among the teeming immigrants of Boston or New York. American Catholic loyalty to the Holy See was already a byword, but in successive generations prelates like John England of Charleston, John Hughes of New York, and John Baptist Purcell of Cincinnati had not hesitated to declare what was technically true—that the infallibility of the pope was not a defined dogma—and they passed over the question without further ado.⁴ Infallibility was not a critical issue

³ Robert D. Cross, *The Emergence of Liberal Catholicism in America* (Cambridge, Massachusetts, 1958), p. 20.

⁴ For example, Purcell had taken this approach in his 1837 debates with

in the American Church. At best, it arose in an occasional debate with non-Catholics. By and large, as Bishop McQuaid remarked, it was "scarcely talked of."⁵

The bishops of the United States came to the council of 1869 as outsiders. They had their own problems: three-quarters of a million Catholic immigrants had poured into east-coast ports in the decade since 1860; the Church in the South was struggling with the legacy of war and reconstruction; there was need for care of the emancipated Negroes, for Catholic education at all levels, and for social work of all descriptions. None of these questions appeared in the agenda of the council. It was a council—the last such council—which was almost exclusively concerned with Europe. Of the approximately 750 fathers who participated in the sessions, some 540 represented Old World sees, and another 110 were vicars apostolic who exercised their apostolate within the framework of the European colonial system.⁶ The contribution of the 49 Americans was bound to be a limited one. It is to their credit that they made as much impact as they did on the deliberations of the council.

The correspondence of the American bishops during the years immediately prior to the opening of the council contained little reference to the forthcoming meeting in Rome. Cardinal Cullen of Dublin and Archbishop Martin J. Spalding of Baltimore exchanged letters regularly, but the main focus of their interest was the threat to the peace of the Church posed by the Fenian Brotherhood.⁷ Some letters of Bishop Félix Dupanloup of Orléans to Archbishop Purcell of Cincinnati merely mentioned that the French prelate was looking forward to seeing Purcell.⁸ If Johann Döllinger actually wrote to each of the American bishops in anticipation

the Reverend Alexander Campbell. Bishop Domenec of Pittsburgh declared in a speech at the council that it was the usual approach to the subject of infallibility in the United States.

⁵ Browne, "Letters," p. 412.

⁶ "The First Oecumenical Council of the Vatican," *Catholic World*, X (April 1870), 122.

⁷ The Cullen-Spalding correspondence is in the archives of the Archdiocese of Baltimore. Archbishop Spalding kept a copybook of most of his own letters, some of which are to be found in the original in the archives of the Archdiocese of Dublin.

⁸ The Purcell papers are partly in the archives of the Archdiocese of Cincinnati and partly at the University of Notre Dame.

of the council, as Abbot Butler has stated, no examples of such letters have come to light.⁹ Among themselves, the Americans were generally too preoccupied with the practical pastoral needs of the moment to engage in theological discussion. Typical of their general attitude was the approach of John Henry Luers, bishop of Fort Wayne. He wrote on several occasions to Archbishop Spalding that the main concern of a bishop must be the pastoral and spiritual duties of his office; and, while the council was in session, he spelled this out by saying that the fathers could do no better work than to discuss catechetical instruction for the young, the problems arising from mixed marriages, and the reorganization of parish administration.¹⁰

Even when mention of the coming council began to be more frequent in American episcopal correspondence—in the years 1868 and 1869—the problems discussed were largely of a practical nature. The bishops wondered where they would live in Rome, who would care for their flocks in their absence, how they would travel, and what vestments they should bring with them. On this last point, even the archbishop of relatively cosmopolitan New York, John McCloskey, had to admit that his *cappa magna* was stored away somewhere in a closet, and he made arrangements to purchase the requisite copes in Rome.¹¹ In their own way, these trivial details reflected the vast difference which existed between the pioneer Church in the United States and the ancient Church of Europe. The Sacred Congregation of the Council had in 1867 revealed a lamentable lack of acquaintance with geography when it had lumped a set of documents from the United States with a similar set from the Canary Islands under the general rubric “America.”¹² The bishops of the United States, many of whom had studied in the seminaries of France, Ireland, and Italy, were better acquainted with the geography of Europe, but long years in the American mission field had

⁹ For the assertion that Döllinger wrote to the American bishops, see Cuthbert Butler, O.S.B., *The Vatican Council* (New York, 1930), I, 120.

¹⁰ The Luers-Spalding correspondence is in the archives of the Archdiocese of Baltimore.

¹¹ Archbishop McCloskey's preparations for the trip to Rome are detailed in letters from his Secretary, Francis McNeirny, to Bernard Smith, O.S.B. The Smith papers are at the Abbey of St. Paul outside the Walls, Rome.

¹² Mansi, *Collectio*, XLIX, 263-264.

formed them in a tradition that differed considerably from the Old World pattern.

The first confrontation between the differing American and European traditions came about with the appointment of Dr. James A. Corcoran of Charleston as the United States representative on the theological preparatory commission of the council. Corcoran began work in Rome on December 30, 1869; and his reports from there during the next twelve months not only reflected the prevailing state of American Catholic opinion on a number of points, but also provided what amounts to a table of contents of the subsequent activity of the American bishops at the council itself.¹³

Initially, Corcoran was distressed by the secrecy imposed on the proceedings, by the lack of genuine discussion among the members of the preparatory commissions, and by what he called the "diplomacy and finesse" of Roman ecclesiastical life. He opposed the tendency—which was already manifest—to promulgate a large number of dogmatic decrees, and he took a strong stand in defense of what he styled "common sense American" views on the interrelation of Church and State. The paraphernalia so long associated with union of throne and altar in Europe he considered outmoded; and both he and his principal correspondent, Archbishop Spalding of Baltimore, realized that the Church's essential liberty was far better safeguarded in republican America than it was in many of the so-called "Catholic" countries. In their letters we can discern the germ of a theory of Church-State relationship which would admit the ideal of a completely Catholic state, but deny that such an ideal had ever been realized in practice. They saw all concrete systems as working hypotheses or adjustments to the realities of a given situation and judged them in that context. How far this approach differed from that of some of the European theologians in the preparatory commissions is indicated by the fact that in the course of the commission meetings the Spain of Queen Isabella II had been held up as the model Catholic state. On the question of papal infallibility, Corcoran confessed himself an inopportunist,

¹³ For the Corcoran mission, see James J. Hennesey, S.J., "James A. Corcoran's Mission to Rome, 1868-1869," *Catholic Historical Review*, XLVIII (July 1962), 157-181.

and in this and in the other positions which he adopted he received the support both of Spalding and of Archbishop McCloskey.

We come now to the views of the American bishops, as they actually expressed them at the council. For the sake of convenience, these views can be summarized under four headings. Dr. Corcoran had warned Bishop James Gibbons of North Carolina that the fathers of the council would have to take most seriously their role as judges of the faith.¹⁴ As the sessions unfolded, American concern for maintenance of the freedom of discussion necessary for fulfilment of that role was apparent. They also had very decided opinions on Church and State and on papal infallibility. Finally, American contributions to the council's discussions were marked by a decided pastoral emphasis and a concern for the picture of itself which the Church presented to non-Catholics.

It is unfortunately easiest to characterize the American bishops in terms of their attitude to the definition of papal infallibility. Really, the division among them was something more fundamental, and it reached to the heart of their concept of the episcopal office. They fell more or less into three groups. A dozen bishops—mostly Franco-American in origin, but also including Bishop Heiss of La Crosse and Bishop Elder of Natchez—were strong proponents of the definition, and during the council they posed no difficulties in the matter of procedure or along other lines. At the opposite pole stood the outright opponents of the definition. These were Archbishops Kenrick of St. Louis and Purcell of Cincinnati, and Bishops Domenec of Pittsburgh, Fitzgerald of Little Rock, Vérot of Savannah and St. Augustine, and Whelan of Wheeling. At least in the beginning, they were ably assisted by Father Isaac Hecker, whose exact role in the council still remains to be explained. During the opening months he served as a valuable liaison man with the lay leader of the opposition, Lord Acton, and with the German bishops.¹⁵ The opponents of the definition were the most active

¹⁴ Corcoran's letter is in the Gibbons papers in the archives of the Archdiocese of Baltimore.

¹⁵ Considerable light will be shed on Father Hecker's role in the council by the edition of the Acton-Döllinger correspondence which will be published during 1963 by the Reverend Victor Konzemius under the auspices of the Bavarian Academy of Science.

American participants in the council. They spoke most frequently in its sessions and they frequently raised procedural difficulties.

The majority of the bishops from the United States formed a third party, which allied itself now with one side, now with the other. According to Cardinal Gibbons, most of the Americans were initially inopportunists in the matter of papal infallibility.¹⁶ Some half-dozen of this third group followed the lead of Archbishop Spalding in trying to arrange a compromise solution on the definition. Another moderate who followed a similar policy was Archbishop Alemany of San Francisco.

American insistence on regular procedure in the council was demonstrated at the very first general congregation, which took place on December 10. Several minor commissions were to be elected, and the fathers had been presented with a single-ticket ballot for the purpose. Instead of filling out his ballot, Archbishop Kenrick sent a note up to the presiding officer to ask that the election be delayed until the fathers had had the opportunity to make one another's acquaintance and that an effort be made to see to it that there was a better representation of various nationalities and languages. This protest—the first made in the council—was disallowed, but some days later Kenrick and Bishop McQuaid of Rochester joined in a further petition which asked that the initiative in making proposals to the council rest with the fathers, and that they be allowed to elect members to the papally-appointed committee on proposals which was to determine the council's agenda. They likewise asked that all committee meetings be open to any of the fathers who wished to attend them, and that expanded facilities be granted to the press, so that unnecessary suspicion of the Church might be avoided.

None of these requests was heeded, but Kenrick's championship of them brought him into contact with an international committee made up of bishops unfavorable to the definition of papal infallibility. According to the testimony of Lord Acton, some fifteen or twenty North American prelates cooperated in the work of the

¹⁶ Gibbons' evaluation is contained in a letter which he wrote to Archbishop John Farley of New York on May 9, 1910. The letter is filed with the McCloskey papers in the Archives of the Archdiocese of New York.

international committee.¹⁷ Although their primary concern was the infallibility question, the bishops of the committee also kept a close watch on procedural matters, and they attempted, unsuccessfully, to promote broader representation on the various commissions of the council. We have the testimony of the moderate bishop of Vincennes, Maurice de St. Palais, to the effect that it was their failure to achieve this last goal which set the face of many of his fellow-countrymen against the definition of papal infallibility.¹⁸

Other procedural matters also occupied American energies. It soon became obvious that the council hall which had been prepared in St. Peter's Basilica was unsuited for debate because of its poor acoustics. In one of his letters, Bishop Ullathorne tells how he and an American bishop went to the Quirinal Palace to try and find there a hall in which all could be heard.¹⁹ The meeting-place of the council was not changed, but later, after a petition on the subject had been presented by Kenrick, Purcell, and Whelan, some modifications were made in the original hall.

American insistence that liberty of discussion and the rights of the bishops as fathers of a council be preserved were also evident in several subsequent petitions to which some of them added their names. Several joined in a declaration that no dogmatic decree could be passed unless it had the morally unanimous consent of the assembly. An incident occurred on March 29 which prompted an-

¹⁷ The best source of information on the international committee is the Acton-Döllinger correspondence. Details are also to be found, *passim*, in two works by Johann Friedrich, *Geschichte des Vatikanischen Konzils* (3 vols., Bonn, 1877-87), and *Tagebuch während des Vatikanischen Concils* (Nördlingen, 1871). Information supplied by Acton and Friedrich was used by Döllinger in his compilation of Quirinus, *Letters from Rome on the Council* (London, 1870). See also Theodor Granderath, S.J., *Geschichte des Vatikanischen Konzils* (3 vols., Freiburg im Breisgau, 1903-06), and the letters and despatches of the British diplomatic agent in Rome, Odo Russell, in Edmund S. Purcell, *Life of Cardinal Manning, Archbishop of Westminster* (2 vols., London, 1895) and in Noel Blakiston, ed., *The Roman Question: Extracts from the Despatches of Odo Russell from Rome* (London, 1962). Most other histories of the council touch on the history of the committee.

¹⁸ St. Palais made the statement to Father Henri Icard, superior general of the Society of St. Sulpice, who recorded it in his diary for January 16, 1870. The manuscript of Icard's journal is in the general archives of the Society of St. Sulpice in Paris.

¹⁹ Butler, *Vatican Council*, I, 177.

other American protest. The question before the fathers was whether the adjective "Roman" should be included in the official title of the Church. Many of the American and English bishops opposed its inclusion on the ground that it tended to give countenance to the "branch theory" of the Anglicans. A vote was being taken and it seemed that the Anglo-American protest would be heeded. Then the cardinal presidents abruptly adjourned the session in the middle of the balloting, and on the following day it was announced that the deletion of "Roman" could not be allowed. Bishop Domenec of Pittsburgh was one of nine fathers who protested this action.

A final example of American emphasis on episcopal rights came on March 15. Rumors had been circulated that an attempt would be made to carry the definition of papal infallibility by acclamation. Purcell, Kenrick, and Fitzgerald promptly informed the presidents that if such a tactic were employed they would leave the council and make public the reason for their departure. Fortunately, they were not put to the test.

I do not mean to suggest that all of the American bishops joined in these protests. Among others, Bishops Augustus Martin of Natchitoches and William Henry Elder of Natchez specifically dissociated themselves from them. Others remained silent. It was nevertheless true that a good many of the American prelates were deeply disturbed by what they considered to be procedural irregularities, and they expressed themselves forcibly on the subject.

The full constitution on the Church was never brought to the floor of the council, and therefore what might have been a lasting American contribution to the theological thought of the Church did not find a forum. The text of the constitution was, however, distributed to the fathers, and in their written comments on it a number of our bishops made clear their concerns and apprehensions in the matter. They were particularly interested in Chapter X, which asserted the external, public, absolutely independent authority of the Church and its right to impose salutary punishments. Vérot, Domenec, and Elder called for a statement that the Church claimed the right to impose only spiritual penalties. Bishop Tobias Mullen of Erie was obviously haunted by memories of the inquisition, and he asked that the Church renounce the use of the death

penalty and of corporal punishment. Bishop Richard Whelan proposed a more positive enunciation of the same principles when he wrote that the Church should claim only those rights which were of divine origin, or which were absolutely necessary for its conservation and extension and for the extension and fulfillment of the mission given to the Apostles.

It is interesting to note that American bishops who disagreed on procedural matters and on the need for a definition of the pope's infallibility were of one mind when it came to the question of Church-State relations. In this area, they reflected the common experience of a Church which had flourished because it had been permitted its own autonomous development in a free country. Perhaps the strongest expression of these sentiments came from the pen of Archbishop John Baptist Purcell of Cincinnati. He declared that the United States Constitution granted perfect liberty to all and stated categorically that this was better for the Church than that it be the object of state patronage. "Truth is mighty and will prevail," he went on; and he expressed confidence that the Church would attract believers if it were permitted to operate in a free society. He contrasted the condition of the Church in America with that of the Church in contemporary Spain, where it was being persecuted, in Portugal, where even the Sisters of Charity had been expelled, and in Italy, where religion was desolate. The archbishop concluded by giving thanks to God for "the best form of government" which he asserted the United States had adopted.²⁰

We have already seen that there was a threefold division in the American hierarchy on the subject of infallibility. European commentators have generally sought the reason for the inopportunism or opposition to a definition of the bishops from the United States in their supposed Gallican background. While it is true that Kenrick had been trained at Maynooth when Gallican theories were still taught there, and while it is also true that bishops like Vérot had imbibed similar teachings in the seminaries of France, the "Gallican" explanation does not fully explain the extent of the American opposition. Cardinal Gibbons later made an analysis which summed

²⁰ Purcell's remarks were published in the Cincinnati *Catholic Telegraph*, August 25, 1870.

up the situation more accurately.²¹ He admitted that there were some Americans who had genuine doctrinal grounds for their resistance. Somehow or other, they felt that the consent of the episcopal college was needed before a papal declaration could be considered infallible. There were others, the cardinal wrote, who held papal infallibility as an opinion, but who did not find the evidence for it clear enough to warrant a definition. Finally, the great majority of the Americans opposed proclamation of the dogma on the ground that it would worsen relations with Protestants and cause dissension in the Church. I would add here that many of the bishops from the United States linked their concern over infallibility with their concern over Church-State relationships. In the course of the debates on infallibility, they asked if the grant of Ireland to the English crown by Pope Adrian IV had to be considered an infallible act, and they asked for clarification of the power of the pope to depose rulers and to exercise temporal sovereignty. Until these and similar questions had been answered, they hesitated to commit themselves on the main dogmatic question.

When it was first proposed, in January 1870, that the council take up the question of defining the pope's infallibility, twenty American bishops signed a petition asking that the subject not be brought to the floor. Another six proposed a compromise which would not mention the word "infallibility." Only ten Americans joined the more than five hundred fathers who supported introduction of a *schema* including the definition. Before the final proclamation of the dogma on July 18, 1870, a number of the bishops from the United States had returned home, while others had come to view it in a more favorable light, so that the majority of those still at the council in July voted for its adoption. A small group, however, absented themselves from the final public session, and one American, Edward Fitzgerald of Little Rock, cast a negative vote which he retracted once the dogma had been promulgated.

It has by now become obvious that American opinion on a number of issues was by no means unanimous. There was, nevertheless, one characteristic which was common to all American intervention in the council. The United States bishops were one

²¹ Gibbons, in the letter cited above, n. 16.

in the intense pastoral concern which they demonstrated. On several occasions, they called for a short, pithy, positive statement of Catholic doctrine, and pointed out that condemnations were useless. As one bishop put it, good Catholics had no need of condemnations, and non-believers scoffed at them. Bishop Vérot was another speaker who emphasized his pastoral concern when he called for a rapprochement with modern science. After reminding his hearers that some theologians of the 15th century had held that the New World could not exist because the world was flat, he remarked dryly that he knew that they were wrong because he came from America, and that, thanks to Columbus, there were a large number of bishops present at the council who came from the New World. Vérot's other contributions are too numerous to mention here, but we can instance one other expression of his pastoral concern. He argued that the council should concern itself less with the refutation of Güntherian dualism and more with such practical matters as putting it on record that Negroes truly belonged to the human race—an assertion which he said was denied by Protestant preachers in his section of the South.

I mentioned earlier that one reason for American reluctance to encourage the definition of papal infallibility was pastoral. Many of the bishops feared an adverse reaction among their own flocks and particularly among Protestants. They were most conscious of what we should call today "ecumenical" considerations. So, for example, Bishops Elder and Whelan joined in suggesting that greater attention be paid to the scriptural basis of doctrinal statements; and of the ringing declaration that Catholics should be ready to defend their faith unto the shedding of blood, Elder remarked that it ought to be made plain that Catholics were speaking of the shedding of their own blood and not that of others. A final example of American pastoral concern may be taken from the debates on the adoption of a universal elementary catechism. Bishop Vérot favored the project, but he insisted that the catechism adopted had to be one which would effectively serve the purpose. Bishop Thaddeus Amat of Monterey-Los Angeles spelled this out when he explained to the fathers that in his diocese he had to deal with primitive Indians and others not far removed from that condition. These peculiar local problems, he insisted, had to be taken into account before a decision could be reached.

We have now seen, in summary fashion, something of the contributions which the American bishops of 1870 made in the course of the 20th ecumenical council. Frequently enough, their participation in its deliberations has been passed off with stories of Vérot's humorous anecdotes—and he told a great number, to the discomfiture of the presiding cardinals—or with a joking reference to Bishop Fitzgerald's negative vote at the final public session as a case of "Little Rock" standing up to "Big Rock."²² A more careful analysis of the facts would seem rather to draw the picture of a group of bishops whose approach was basically pastoral and marked by a deep concern for the needs of the Church in the United States. By contrast with some of their more speculative European brethren, they were pragmatic, but theirs was a healthy pragmatism based upon a fundamental orthodoxy and a feeling for the practical concerns of the Church. As Father Thomas McAvoy has pointed out in his analysis of 19th-century American Catholicism, the emphasis in the United States has always been on the internal, sacramental life of the Church.²³ It was this emphasis which the bishops brought with them to Rome in 1870. Their role in the council was scarcely a decisive one. It was not even a major role. The peculiar problems—and the solutions to these problems—of the Church in the United States were overshadowed by European preoccupations. Nevertheless, the Church in Europe did become aware of the adolescent Church across the ocean. A new era had begun in the long history that began on the first Pentecost. It was only a beginning, but that new era was symbolized by the presence in Rome of the forty-eight bishops and one abbot from the United States who attended the First Vatican Council.

²² The origin of the joke has been attributed to Pius IX himself.

²³ Thomas T. McAvoy, C.S.C., "The American Catholic Minority in the Later Nineteenth Century," *Review of Politics*, XV (July 1953), 300.

FATHER HECKER'S VISION VINDICATED*

BY VINCENT F. HOLDEN, C.S.P.

Our era is a stimulating one for the American Catholic historian. The pontificate of the late Pope John XXIII with its challenging cry of *aggiornamento*, the pronouncements of Paul VI, the scope and sweep of the Second Vatican Council, the ecumenical movement, the liturgical and biblical revivals—these and a host of other stirring events open up exciting horizons for the future. But they also provide the American Catholic historian with penetrating insights into the past heroes of the Church in America.

Were I to attempt to label our present age in the light of the past, I would call it "The Vindication of the Champions of the Church in America." These giants of the faith were men of the stature of Cardinal Gibbons, Archbishop Keane, Archbishop Ireland, and Archbishop John Lancaster Spalding, men of expansive outlook and progressive policies, who did not feel constrained to oppose ideas simply because they were new, who were not adverse to change because it might disturb the established order, who were not fearful of the development of science because it might upset the traditional presumptions of scholastic thinkers, who were not reluctant to proclaim both their love of God and their devotion to their native land and its free institutions.

Not infrequently, the ideas of these devoted American churchmen received a cool reception from some European ecclesiastics in high places. Although their statements could never be branded as heretical—some Europeans unsuccessfully tried to have them condemned—they were regarded as extravagant and novel. At best they could be tolerated in the new nation, but they could never be considered the norm for the Catholic world.¹

Today due to the efforts of the late Holy Father, the views of these heroes of the Church are no longer novel. They have become commonplace in an amazingly short space of time. Many of them

* This paper was given at the annual public meeting of the Society, at Marymount College, New York City, November 20, 1963. Father Holden is the author of *The Yankee Paul*, the first volume of an authoritative biography of the founder of the Paulists.

¹ For full treatment of these efforts, see Thomas T. McAvoy, *The Great Crisis in American Catholic History* (Chicago, 1957).

seem to find formal expression in that great encyclical of John XXIII, practically his last will and testament, *Pacem in Terris*. Time will reveal how many more will be echoed in the final decrees of the Second Vatican Council.

Outstanding among these champions of the American Church is one who is not as widely known as the prelates I have mentioned. He is Isaac T. Hecker, the founder of the Paulist Fathers. Historians know that he figured prominently in the events of his day—the correspondence in episcopal archives reveals this—but what he strove to accomplish and the principles that motivated his activities have never been clearly defined. The only available source for his life story is the one-volume biography of Walter Elliott.² And even in that study of 421 pages, not more than 50 are devoted to his Paulist career, which intelligently embraced almost every facet of American life. Americans today may not be aware of Hecker's contribution, but Americans of yesterday, Spalding, Keane, Gibbons, Ireland, and McCloskey, were keenly conscious of it. These men knew Hecker, they were very familiar with his labors and they never hesitated to acknowledge their indebtedness to him for his inspiration, his example, and his leadership. Were any one of them living today, he would not hesitate to declare that the vision of Father Hecker has been vindicated.

Much as I would like to present that vision in all of its aspects, time will not allow me to do so. To view in the light of current Catholic thinking the dazzling diversity of Father Hecker's enterprises would demand a detailed treatment exceeding the time at my disposal. I shall therefore limit myself to two aspects which bear a relation to current movements: the ecumenical character of his apostolate to the non-Catholic and the timeliness of his ideas on the role of the laity in the Church.

The broad outlines of Father Hecker's life are well known.³ Born in 1819 in New York City of non-Catholic parents and raised with little or no formal religion, he finally embraced the Catholic Faith. His road to the Church was a somewhat circuitous route which brought him into contact with three large sections of American

² *Life of Father Hecker* (New York, 1891).

³ For a more detailed treatment of Hecker's life previous to the founding of the Paulists, see Vincent F. Holden, *The Yankee Paul* (Milwaukee, 1958).

life: Labor, the intellectuals, and the religious leaders of his day. As a young man working in his brothers' bakery, he rubbed shoulders with the working man. He came to know his problems, his anxieties, and his fears. This knowledge fixed deep in his consciousness the inequity of the social system, which he characterized as one in which the poor became poorer and the rich richer. He was aware of sharp and painful distinctions based on wealth, race, and religion. This youthful experience induced in him a desire to tear down these barriers and to see all men united in Christian brotherhood under God. This desire, nurtured and developed over the years, brought forth concrete results in the active days of his priesthood.

As a youth of twenty-five, he went to Brook Farm in 1843, where he mingled with the savants of his day who were trying to emancipate themselves from the rigidity of Puritan thinking. They were experiencing the last wave of the Enlightenment radiating from Europe and spoke enthusiastically of the golden age of reason and science then dawning. The ideals and hopes of Ripley, Dana, Emerson, and Alcott poured into the listening ears of the young seeker after truth. From these thoughtful Transcendentalists he imbibed a love of study, an esteem for scientific inquiry, a respect for free and open discussion, a reverence for individuality and initiative. They talked much of liberty but were unable to relate it to authority, nor could they satisfactorily answer other questions tormenting young Hecker's soul. Not until he began his investigation of Catholicism and received the gift of faith did he understand that true authority does not suppress reason or stifle individuality, but guides and directs it. At the same time, he also experienced the certainty which comes with truth and the peace that dispels all doubt.

But before he began this examination and submitted to the authority of the Church, he searched among the various forms of Protestantism, gaining a first-hand knowledge of the various sects and discussing his problems with their recognized leaders. Finding their solutions inadequate, he then began his study of Catholicism.

When Hecker made his profession of faith on August 2, 1844, before Bishop McCloskey in Old St. Patrick's Cathedral on Mott

Street, he was quite conversant with the philosophical, social, and religious thought of his day. He was ideally prepared for the work he was about to undertake. Never for a moment did he entertain any doubt about the nature of that work. While a student for the Redemptorist priesthood, he could confidently write: "I believe that Providence calls me . . . to convert a certain class of persons amongst whom I found myself before my own conversion."⁴ First and foremost before his mind were his non-Catholic countrymen. His goal was to reach them and bring to them a knowledge of the true faith. That he was well qualified to undertake such a task is witnessed by the perceptive Orestes Brownson, who said: "I know of no man who better understands the American people than yourself or whose judgment in all that concerns them may be more safely followed."⁵

After founding the Paulist Community in 1858 to meet the needs of the Church as they arose and after setting as its objective the conversion of America, Father Hecker began his work for the non-Catholic. He had an approach to his countrymen unique in his own day both for its principles and its method. Mindful of his own earlier and unorthodox years and remembering the earnestness and sincerity of those he had known before he became a Catholic, he would not for a moment presume to judge consciences or to question motives. He was convinced that:

It is for us Catholics who possess the divine truth in its fulness and in security against all error with a conviction which excludes all doubt, that should give an example in kindness, charity and Catholic spirit towards those who are groping in darkness after the light. Our perfectly secure position enforces upon us the duty of condescension to the weaknesses, prejudices and the ignorance of those without the pale of the Church. If we regard all non-Catholics as formal heretics and infidels, and in return they are left to look upon us as bigots and superstitious, the present lines of separation will only be made broader and we who ought to know better and break through these lines with the light of truth, and do not, will make ourselves guilty of their error.⁶

⁴ *Ibid.*, p. 140.

⁵ Archives of Paulist Fathers (hereafter A.P.F.), *Hecker Papers*, Brownson to Hecker, September 29, 1857.

⁶ *Ibid.*, "Notes Begun in Egypt, 1873," p. 13.

The mistake of those who took a harsh attitude toward the unbeliever, Hecker maintained, stemmed from a horror of heresy.

The hatred for schism and heresy and their authors is transferred by many to those who inherit schism and heresy without any fault on their part. In regarding them as personally guilty of schism or heresy we sin against truth and charity and in so treating them, we unconsciously aid in perpetuating their false position. If Protestants are guilty of the sin of ignorance in regarding Catholics as idolators and superstitious, are Catholics free from the same sin when they look upon them as personally guilty of schism and heresy? . . . There is good reason to believe that a number of those who are today called Protestants, had they been in the Church and had they known what the Church is, as many of those did who separated from her in the 16th century, they never would have been guilty of breaking the bond of unity by leaving her fold.⁷

Motivated by these ideas, Hecker took to the lecture platform as one means of bringing the truth to his non-Catholic audience. Starting in 1862, he spoke in various cities and towns throughout the country whenever his time permitted and opportunity offered. In the winter of 1868, he spent six weeks on the road, traveling upwards of forty-five hundred miles, speaking at least twenty-five times to more than three thousand people, two-thirds of whom were non-Catholics.⁸ He presented Catholic truth in a clear, convincing and appealing manner, never hesitating to show its differences from Protestant thought, nor its superiority to the ideas of the Reformers. But he did not attack the beliefs of his audience or ridicule the source of their ideas. In the midwestern cities where he lectured on the causes of the Reformation, he publicly stated that he did not intend "to discuss the character or motives of those who took part in the great movement of the 16th century." Such subjects, he declared, were not pertinent to our day and "such discussions could have no other result than to engender bitter religious feeling." Then he made the significant statement: "The time has arrived when, if men would consider fairly and candidly the causes which separate Christians, a movement would begin

⁷ *Ibid.*, pp. 53-54.

⁸ *Ibid.*, Hecker to Mrs. Thompson, February 4, 1869.

which would result in the union of all men holding the Christian faith.”⁹

The manner in which he treated his subject with candor, yet free of ridicule or bitterness, drew from the secular press favorable and laudatory comment.¹⁰ It also drew a series of rebuttals from ministers of various sects, but Hecker’s approach forced them to avoid discussions of personalities and the use of sarcasm or ridicule. As the *Chicago Times* editorialized: “It is a pleasure to record that there is yet a good deal of chivalry in the pulpit. Before Collier [one of the ministers answering Hecker] lowered his visor for the charge, he courteously saluted his opponent . . . He even went to the extent of admitting that Father Hecker is animated by a Christian spirit.” The result of this objective and fair discussion led the *Times* to conclude: “All this is as courtly as it is unusual and the effects of such charity is to immeasurably elevate the tournament between Protestantism and Catholicism above the vulgar rioting and clamor and abuse.”¹¹

When Father Hecker lectured in the Opera House in Chicago, the Congregationalist publication, the *Advance*, reported to its readers: “The Protestant portion of his audience at least, was favorably impressed by the fact that in appearance he was totally unlike the usual Romish priest. He was not Irish; he did not wear a countenance seemingly compounded of sleekness, cunning and animality; he was not like the character in Mother Goose ‘all shaven and shorn’ but wore a full beard and moved a man among men, as do Protestant clergymen of good sense.”¹²

When in the late 1870’s and early 1880’s, there was a stirring in the Protestant world for a Congress of Churches embracing the various religious sects, Hecker became vitally interested in the new move. He saw in it the possibility of engaging in dialogue with separated brethren. As a fundamental norm for any such discussion, he postulated the principle that “in our intercourse with

⁹ *Detroit Advertiser and Tribune*, December 12, 1868; *Daily Citizen* of Jackson, Michigan, December 17, 1868; *Daily Pantograph* of Bloomington, Illinois, December 12, 1868; *Iowa Davenport Daily*, December 23, 1868.

¹⁰ *Daily Milwaukee News*, April 21, 1868; *Chicago Advance*, May 7, 1868; *Detroit Post*, May 9, 1868, February 18, 1871; *Chicago Times*, January 19, 1869.

¹¹ January 19, 1869.

¹² May 21, 1868.

Protestants, were we to dwell more on the truths which they hold in common with us and less on those in which they differ from us, we should open the way for the more speedy return of many of them to the fold of the Church and embrace all that she teaches. Is not this the course pointed out by Holy Scripture when it says: 'Study those things which make for peace'?"¹³ Endeavoring to enlist episcopal support for his views, he wrote to Bishop Gilmour of Chicago that the movement inaugurated by the non-Catholic groups should not be despised but encouraged by the Church. He invited the bishop to write an article for the *Catholic World* along these lines. Owing to the pressure of episcopal duties, Gilmour had to decline; but he promised that when he had leisure, he would write "on the subject proposed if its discussion at that time will be considered opportune."¹⁴ A few months later, Hecker wrote to Cardinal Gibbons apropos of a statement that Gibbons had made to the press: "In all this broad land there is no one who longs for truly Christian union more than I do." Hecker seized on this and told the cardinal that if he would write a few pages for the *Catholic World* on this subject he was convinced "That they would do good, a great deal of good. My conviction is that if this movement for Christian Union is sagaciously guided, it may produce results in this country not unlike the Tractarian movement in England."¹⁵ When Gibbons was unable to write the article, Hecker himself published his own views in the magazine under the title "The Things That Make For Unity" in words that reveal a decidedly ecumenical tone:

Between Catholics and Protestants, it is more necessary to emphasize the terms of agreement than those of disagreement . . . We must not undervalue the advantage of having to deal with men who believe as we do in the law of God and the Gospel of Jesus Christ and who have no animosity against

¹³ A.P.F., *Hecker Papers*, "Notes Begun in Egypt, 1873," p. 54.

¹⁴ *Ibid.*, Gilmour to Hecker, June 21, 1886, in which he mentions he had received Hecker's letter of May 9 and agrees with him that the movement should be encouraged. Hecker's May 9th letter is not among the Gilmour Papers in the Cleveland Diocesan Archives; Archives of Diocese of Cleveland, *Gilmour Papers*, Gilmour to Hecker, July 3, 1886. Bishop Kroll graciously supplied me with a copy of this letter from Gilmour's letter book. The original is not among the Hecker Papers.

¹⁵ Archives of the Archdiocese of Baltimore, *Gibbons Papers*, Hecker to Gibbons, October 19, 1886.

the Catholic Church. Can we emphasize the points of agreement, ignoring for the moment the disagreements? Yes and safely. But it must be wisely done. As a matter of fact, the very seeking for points of agreement tends to subdue the spirit of confusion and to eliminate the points of disagreement and strengthen truth . . . Let us cultivate the things that make for unity. There is no reason why a movement towards unity should not set in, under the providence of God, in our day just as in the sixteenth century the perversity of men brought about disunion and sects.¹⁶

These words were written less than a year before his death when he was physically unable to pursue the movement any further.

Not all of Hecker's contemporaries shared his ideas. One who took a diametrically opposite point of view was his great friend, Orestes Brownson, the brilliant, fiery, and influential journalist who had come into the Church the same year as Hecker. Brownson, like William George Ward of England, had lost sympathy for his former coreligionists and believed in an aggressive and militant approach. Maintaining that the great body of American non-Catholics was hostile or at least indifferent to the church, he contended that it was a serious mistake to admit that there could be substantial agreement between Catholics and non-Catholics on any fundamental beliefs.¹⁷ He states his position very bluntly in two strongly worded articles in the *New York Tablet* for August 17 and 31, 1867. Admitting that private discussion between a Catholic and a serious, earnest-minded Protestant should be conducted in a friendly manner with a free exchange of views, he could not concede that this technique should be followed in a public forum. Quoting the words of Christ warning his followers not to cast their pearls before swine, Brownson acknowledged that he had little trust in the sincerity or good faith of his separated brethren. For this reason, he believed that in all public discussion, non-Catholics "should be put upon the defence, and compelled to give proofs of their own doctrine, the reason why they refuse to accept the Church, and submit to what God through her commands." Postulating this principle as the ground rule for discus-

¹⁶ *Catholic World*, XLVII. (April 1888), 103, 108-109.

¹⁷ *Brownson's Quarterly Review*, New York Series, III, 125, 479.

sion, Brownson concluded that between Catholics and Protestants there can be no profitable exchange of religious views.

Writing in the *New York Tablet* in 1869, he severely reprimanded those outside the Church for their unwillingness to accept Catholic truth: "Present to them the doctrines of the Church in the clearest light and in their logical relations to principles that nobody questions . . . and they see nothing, understand nothing."¹⁸ Such obduracy could only blind them, he insisted, and imperil their eternal salvation: "Sincerity in error will save no man, for it is the truth that liberates . . . It is only a good conscience that avails and no man can believe any heresy so firmly as not to doubt its truth."¹⁹

Brownson had clearly espoused the counter-reformation approach and applied it with sledge hammer blows. Hecker, like Newman in England, never accepted this approach, but employed one he considered more in harmony with the Christian ideal. The words of Pope John XXIII and the directives of the Secretariat for Promoting Christian Unity reflect Hecker's thinking much more than they do that of Brownson.

There is a story attributed to Cardinal Gasquet, who was supposed to have overheard a 19th-century cleric answer the question: what is the position of the layman in the Church? The cleric replied that the layman has two positions: he kneels before the altar and he sits beneath the pulpit. Whatever be the truth behind this story, there is some evidence to believe that this cleric was not unique in his evaluation of the role of the layman. The militant Archbishop Hughes of New York, although not as extreme in his views as the cleric, did not look kindly upon lay associations. As John Talbot Smith says of him, he regarded with distrust all the methods of lay cooperation in the spread of the Gospel.²⁰ Isaac Hecker did not. He believed that the laity, an integral part of the Mystical Body, had the obligation not only to kneel and to sit, but to act; that the layman should be a vital force in the progress of Catholicism in America and contribute to this goal his talents and his abilities. In his mind, the future greatness of the American

¹⁸ February 20, 1869.

¹⁹ *Tablet*, May 16, 1868.

²⁰ *The Catholic Church in New York* (New York, 1905), I, 183.

Church involved the whole Catholic body. It was to result from the combined effort of both clergy and laity. No one, even in Hecker's day, would question the laity's need to have their sacramental life sustained by the clergy but few realized the tremendous help the laity could offer to the clergy. Father Hecker did. He maintained that unless the untapped resources of the laity were released in an intelligent and constructive fashion, the growth of the Church would be frustrated. He was convinced that Catholic men and women were available and would gladly aid in this great work, but they needed to be guided, directed, and encouraged. He saw an opportunity to provide these goals, as well as to enkindle the enthusiasm of the faithful, in the Second Plenary Council of Baltimore. Three months before the council convened, he wrote to Archbishop Spalding suggesting a national congress of laymen and women to be held either during or after the council. In support of this plan, he told the archbishop: "It is deplorable that the interest of our holy religion in this country has not enlisted in its behalf more exertion on the part of the laity. In Germany, France and Belgium, a great deal has been done in this direction by the Congresses held in those countries." He then singled out the important contribution laymen could make by considering and discussing in cooperation with the hierarchy the means to promote true Catholic art and literature. They could also assist in forming and implementing societies that would be highly beneficial in the social welfare field. He contended that there would be no lack of Catholics to fulfill these goals: "Men interested, intelligent and filled with Catholic faith and spirit in these matters, are scattered all over our land." Then he added: "Shall we not suffer unless we somehow obtain more help from our laymen? Men must *do* something and feel a responsibility if they are to appreciate their religion. The blood must circulate through the limbs, otherwise we shall die of apoplexy and the laity of paralysis." An added benefit from such a congress, Hecker concluded, would be to create a new image of the Church in the mind of the non-Catholic: "The effect on the public would be striking and dispell the idea that lay Catholics had nothing to do in their religion."²¹

²¹ Archives of Archdiocese of Baltimore, *Spalding Papers*, Hecker to Spalding, July 10, 1866.

There is no extant evidence of the reaction of Archbishop Spalding to these proposals other than that he did not deem it wise at that particular moment to accede to the plea of his zealous friend. More than likely, Spalding was hesitant to convene such a meeting for the same reason that Gibbons was reluctant about a similar congress to be held later in November of 1889. As Aaron Abell explains it:

Apart from the labor and the expense of convening a truly representative congress, the fear of augmenting anti-Catholic feeling caused Catholics of influence and discernment to hold back. They knew that, as viewed by Protestants, the Old World Congresses were convened merely to secure the restoration of the Pope's temporal power. "It would be a difficult task" thought John Gilmary Shea "to undertake the work of dispelling the idea" that an American congress "was not convened for the same purpose and designed to inveigle the United States Government into a stand on a question which would lead us into undesirable international complications."²²

Whatever may have been Spalding's reasons, Father Hecker's plea for a Catholic congress went unheeded. The year after the Second Baltimore Plenary Council, Father Hecker went to Europe for the purpose of establishing business relations between the Catholic Publication Society which he had founded and the principal publishing houses in England, Ireland, and the Continent. Before he left, Archbishop McCloskey of New York suggested that he attend the Third Catholic Congress of Malines to study its organization and observe its operation with the idea of holding one in this country.²³ After his return from Europe, where he had attended and spoken at this convention, Hecker wrote an article for the *Catholic World* urging the holding of a similar convocation in this country. He advanced many reasons for calling such a meeting, the most important of which was the need for unity of action: "Our forces are scattered; a congress would unite them. There is no centre, no unanimity, no harmony of action among us in reference to many important matters which might be treated of in a congress." Then he discussed some of these matters which could command the attention of the group: free Sunday and day

²² *American Catholicism and Social Action* (New York, 1960), p. 99.

²³ A.P.F., *Hecker Papers*, Hecker to Mrs. Cullen, June 29, 1867.

schools, libraries and reading rooms, the Catholic press, a Catholic University, the creation and promotion of American Catholic art, painting, sculpture, and architecture. Touching on the possible dangers of centralization following in the wake of such a unified effort, he concluded that "a Catholic Congress would not destroy individual zeal, but only concentrate it. A Catholic Congress could coerce no man's will. It could only be an index to show what they could do; to ask them to be unanimous and to pull together." He ended with a ringing appeal: "In the interest of the laity, then, we ask for a Catholic Congress. We ask for it in the interest of the clergy also who are anxious to keep up their own tone of respectability and at the same time influence by unanimity the great work of the conversion of the whole United States to Catholicity."²⁴

Despite his urging, a national lay meeting was not called during his lifetime. The dream did not materialize until a year after his death in 1888.²⁵ However, in 1871 he did have the happiness of witnessing the formation of and of working with a local group of leading Catholic laymen of New York City known as the Catholic Union. This was a combined effort of zealous, enterprising, and able Catholics to advance Catholic causes in New York. Father Hecker was enthusiastically in favor of the group and in reply to a question of Brownson about the probable success of the endeavor, he wrote: "Within the period of my knowledge, there has been no movement promising to be of so great an importance as it does. There is a large body of men connected with it who mean work. Among their first efforts will be that of starting a daily newspaper. Other important subjects are before it, such as a University, Catholic Congress, etc."²⁶

²⁴ *Catholic World*, VIII (November 1868), pp. 224-228. Hecker was one of the honorary vice-presidents at the congress. He wrote a paper on "The Present Religious Condition of the United States" which was delivered for him in French by Canon du Roussaux. It was later published in the proceedings of the Congress, pp. 224-232, and also in the *Revue Generale*, October 1867, pp. 348-358.

²⁵ This congress was held in November 1889 in Baltimore during the celebration of the centennial of the American hierarchy. Abell, *Social Action*, pp. 98-110, gives a detailed account of the activities of the congress.

²⁶ Brownson's question is in his letter to Hecker, December 19, 1871, A.P.F., *Hecker Papers*, and Hecker's explanation of the nature and purpose of the Union is in his reply to Brownson, January 8, 1872, archives of University of Notre Dame.

Unfortunately Father Hecker's health broke shortly after this and sharply curtailed his active participation in the movement. His time to organize, direct, and guide any such activity had come to an end.²⁷ It remained for one of his most illustrious sons, Father John J. Burke, C.S.P., to bring his plan to fruition in the creation of the National Catholic Welfare Conference, with its subsidiaries, the National Council of Catholic Men and the National Council of Catholic Women.

Archbishop Spalding once remarked to Father Hecker: "It is just like you always pushing ahead in the good cause and in the right direction."²⁸ This sentence sums up the life of Hecker. He was always progressing and always in the right direction. In the entire gamut of American life, there was no sphere of activity affecting, or likely to affect, the Catholic body that did not command his thoughtful consideration. The social question, the participation of the laity in the liturgy, greater cooperative action on the part of the American hierarchy, the character and function of an apostolic delegation, the internationalization of the college of cardinals, the need to stress the development of a truly interior life, the importance of the role of the Holy Spirit in the spiritual life—these and a host of other vital issues absorbed his attention. And in his evaluation of them, he had interesting and provocative answers. Indeed, he was always pushing ahead and always in the right direction. His only difficulty was to have been born ahead of his time, to have lived in an age that was unprepared to accept or to act upon his vision of the future. But his efforts and his plans were not lost. They were only delayed. Our era shall see their fulfillment.

²⁷ Hecker's health began to fail in the fall of 1872. After that his activity was largely literary and individual personal contact.

²⁸ Archives of the Archdiocese of Baltimore, *Spalding Papers*, Spalding to Hecker, May 3, 1871.

KOHLMANN'S CASE: RELIGIOUS LIBERTY IN QUESTION*

BY VINCENT C. HOPKINS, S.J.

In March 1813, while a rather disunited United States was waging a rather haphazard war against England, Charles Bradley, Benjamin Brinkerhoff, Daniel Philips and his wife, Mary, were indicted by a grand jury of New York County. Bradley and Brinkerhoff were charged with stealing property belonging to James Keating, a Catholic merchant. Philips and his wife were charged with being receivers of the stolen goods. The case seemed to be but a short and simple scandal and the persons involved of no particular interest to their own generation or to posterity. However, owing to the character of one of the witnesses summoned to testify against the Philipses, the matter was one of considerable importance.¹

On discovering his loss, Keating's first step had been to complain to the police justices, then the lowest court in the city. While the matter was being investigated the justices learned that Keating's property had been restored to him. They then called Keating

* This inaugural King Lecture of the Society was delivered at Marymount College, New York City, May 16, 1963. The late Father Hopkins was associate professor of history in Fordham University.

¹ An account of the case, along with an abridged version of the Irish Penal Code and "A True Exposition of the Doctrine of the Catholic Church Touching the Sacrament of Penance," was published by William Sampson, one of the counsel in it. See William Sampson, *The Catholic Question in America* (New York, Edward Gillespy, 1813), pp. 138, cxxviii. It will be cited hereafter as *The Catholic Question*. Sampson wrote to Mathew Carey, the Philadelphia publisher, on July 22, 1813, asking for help with his compilation of the penal laws. He remarked, "I shall willingly defray any reasonable expense for I have the Cause at heart. And that as speedily as possible for I am haunted by the printer's devil." See American Catholic Historical Society of Philadelphia, *Records*, XIII (1902), 247. There has been some discussion concerning the authorship of the treatise on Penance. It was attributed to Fr. Kohlmann, S.J., till Monsignor Lord, on the basis of a letter from James Wallace, S.J., who was also then in New York, to Fr. John Grassi, S.J., of July 23, 1813, claimed it was written by Fr. Benedict Fenwick, S.J., then in New York and later Bishop of Boston. See R. Lord, J. Sexton, and E. Harrington, *History of the Archdiocese of Boston* (New York, 1944), II, 15 and n. 31. The question of the authorship of the work was restudied by Frank B. Costello, S.J., in his article, "Kohlmann and Fenwick: Two New York Jesuits and a Treatise on Penance," in *Archivum Historicum Societatis Jesu*, 23 (1954), 334-344. He concludes that Fr. Kohlmann was the principal author of the work.

before them and questioned him about the way in which he had recovered his property so that they might more easily find out who the thieves were. Keating seemed loath to answer and the justices threatened him with imprisonment in the Bridewell on Murray Street unless he replied.² Placed under such duress, Keating said he had received his property from the Reverend Mr. Anthony Kohlmann, the Alsatian-born Jesuit who was then rector of St. Peter's Church in Barclay Street and administrator of the struggling, five-year-old Diocese of New York. On his arrival in the city in 1808 he had found one priest who was serving a scattered congregation of about fourteen thousand people, all of whom, except some few hundreds who were chiefly German, French, or Spanish in that order, were of Irish origin or descent.³ The justices ordered Fr. Kohlmann to appear at the police office. He came and was questioned about the person or persons from whom he had received the stolen goods. He declined to answer either direct or indirect questions concerning the identity of anyone involved in the act of restitution for reasons he developed more fully in subsequent proceedings in the court of general sessions.⁴

The police justices then sent the case to the grand jury. That body subpoenaed Fr. Kohlmann to appear before it. He came but again declined to reply to questions about the persons involved. However, bills of indictment were found against Bradley, Brinkerhoff, and Philippses on other grounds, without Fr. Kohlmann's testimony. On March 5 the parties pleaded 'Not Guilty' and the case proceeded to trial. The recorder of the city, Pierre C. Van

² The Bridewell was opened in 1775 as a place of confinement where debtors and minor offenders could be kept apart from hardened criminals. George W. Edwards, *New York as an Eighteenth Century Municipality, 1731-1776* (New York, 1917), pp. 103-104.

³ Fr. Kohlmann's life, which began and ended in Europe, has been written by a fellow Alsatian. See Jules Joachim, *Antoine Kohlmann, S.J., 1775-1836* (Paris, "Alsatia," 1937), p. 181. Leo Ryan in his *Old St. Peter's* (New York, 1935), pp. 97-98, published a letter of Fr. Kohlmann describing the general Catholic situation in New York City in 1808.

⁴ Above the court of the police justices in the judicial hierarchy at this time in New York City was the mayor's court in which sat the mayor, the recorder, the city's leading judicial officer, and aldermen. This court heard civil cases. The same personnel made up the court of general sessions which at first sat four times a year, after 1800, six times, to hear criminal cases. The same group could also be convened as a court of special sessions. Frank Monaghan and Marvin Lowenthal, *This Was New York* (Garden City, N.Y., 1943), p. 217.

Wyck, a relative by marriage of the powerful Clinton family and a sharer in their political fortunes, presided.⁵ The mayor, De Witt Clinton, was at Albany attending to his duties as lieutenant governor of the state. This was a rather insignificant position for the Mayor of New York City to hold, especially if he were a man of the stature of De Witt Clinton. According to his friends he had accepted it because of his interest in the projected canal through the Mohawk Valley. The more ill-disposed said that he had grasped at it because he knew that the southern district of New York, in which he lived, would not elect him to the state senate and he wished to maintain contact with the capital.⁶ With Recorder Van Wyck in the court room in the recently opened City Hall sat Aldermen Morse and Vanderbilt. A jury was sworn. Richard Riker, an earnest Republican, and, at the time, a close friend of De Witt Clinton, was district attorney. He had been Clinton's second in his bloody duel in 1802 with Aaron Burr's associate, John Swart-out.⁷ George Wilson appeared as attorney for the defendants, Bradley, Brinkerhoff, and the Philipses.

Fr. Kohlmann's name was recorded on the back of the bill of indictment against the Philipses. Consequently he was summoned again, put under oath and questioned concerning his connection with the stolen goods. When he once more asked to be excused from answering, Wilson, for the defense, objected. At this impasse two lawyers, William Sampson and Thomas Addis Emmet, intervened as friends of the court. Sampson, the son of the Reverend Arthur Sampson of Londonberry, Ulster, Ireland, had formerly been a member of the Irish bar and, after suffering imprisonment for his activities as a United Irishman in the cause of Irish freedom, was now in exile in the United States. Four years before he

⁵ Dixon R. Fox, *The Decline of Aristocracy in the Politics of New York* (New York, 1919), pp. 201, 214.

⁶ Such plurality of office was allowed by the Constitution of 1777. Jabez Hammond, *The History of Political Parties in the State of New York* (Buffalo, 1850), I, 291-292; Alexander C. Flick, ed., *History of New York State* (New York, 1933), IV, 151-166.

⁷ Dorothe Bobbe, *De Witt Clinton* (New York, 1933), pp. 88-92. Riker, who parted political company with Clinton over an appointment to the bench, was the inspiration for Fitz-Greene Halleck's poem, *The Recorder*, a position Riker held intermittently for twenty years. James G. Wilson and John Fiske, eds., *Appleton's Encyclopedia of American Biography* (New York, 1888), IV, 254.

had been of counsel for the defense in the New York Cordwainers' Case, *The People v. Melvin*, which involved the right of shoemakers to strike. Later he and Emmet were instrumental in obtaining the conviction of several members of a lodge of the Irish Protestant Orange Society in New York who rioted and assaulted some Catholic Irish in Greenwich Village on July 12, 1824, as part of their celebration of the anniversary of William III's victory at the Battle of the Boyne over James II and his Irish allies.⁸ Thomas Emmet, brother of the eloquent Robert Emmet, a talented lawyer and, like Sampson, a Protestant political exile from Ireland, had been appointed Attorney General of New York State in 1812. He was a Republican and a friend of De Witt Clinton and was removed from office by the Federalists, who had gained control of the council of appointments, in February 1813.⁹

Sampson stated that in no country, not even in Ireland where the Catholic Church was proscribed, had he heard of an instance where a priest was called upon to reveal what he had heard in sacramental confession. He and Emmet asked that the trial be postponed for two days. The court, with the assent of District Attorney Riker, agreed to adjourn the case till Monday, March 8, so that counsel could prepare arguments on so unusual a question.¹⁰

Owing to what Sampson, the chronicler of the case, referred to as "various intervening circumstances," the case was not brought up again for over two months. In a letter Fr. Kohlmann, one of whose marked characteristics was a sanguine temperament, threw some light on the reasons for the delay. He wrote to Fr. John Grassi, then superior of the Jesuits in the United States, that "Divine Providence permitted a thing to come to pass in this city which afforded an infinite joy to the Catholics and I trust will turn to the great glory and triumph of our H[oly] Religion." It was his being summoned to testify in the case of *The People v. Daniel Philips and wife, receivers*. After describing the circumstances

⁸ In 1807 Sampson published his *Memoirs*, which give an account of his experiences in the Irish rebellion of 1798. Edward C. Smith, "William Sampson," in D. Malone, ed., *Dictionary of American Biography* (New York, 1935), XVI, 321.

⁹ DeAlva S. Alexander, *A Political History of the State of New York* (New York, 1906), I, 213.

¹⁰ *The Catholic Question* p. 7.

of the case to Fr. Grassi, Fr. Kohlmann informed him that when the case had been called on March 8, the date of his letter, Sampson and Emmet had asked for another postponement. The court which would have heard the case, he wrote, was composed of one judge who was a bigot and two others who were incompetent to hear it. His lawyers' strategy was to put the trial off until De Witt Clinton returned from Albany, because they were sure he would rule in favor of the Catholic position. Immediately after the proceedings were finished, Fr. Kohlmann told Fr. Grassi, he planned to print an account of them.¹¹

Emmet and Sampson were aware that De Witt Clinton, who was partly of Irish descent, was not, in his own words, "insensible to those natural predilections which every man must entertain for the country of his ancestors." In 1802 and 1803, when he was United States Senator from New York, he had urged the reduction of the period of naturalization for immigrants from fourteen to four years; and he had been active in the repeal of the Alien and Sedition Acts which had been aimed in part at Irishmen resident in the United States. In 1806, when he was in the New York State Senate, he had drawn up the bill which removed the last political disabilities under which the Catholic citizens of the state labored. The religious test against Catholics which John Jay, who had a long Huguenot memory, had tried to insert in the New York Constitution of 1777, had been voted down, largely through the opposition of Gouverneur Morris, by a vote of nineteen to ten. However, in 1784 the state legislature passed an act requiring all persons naturalized by the state, or serving it in an official capacity, to take an oath that they renounced all allegiance and subjection "in matters ecclesiastical and civil" to any foreign person or state. While the restriction had been lifted in 1801 as far as naturalization was concerned, it was still retained in the case of the civil and military officers of the state.

In 1805 two Catholic assemblymen were elected from New York City, Andrew Morris, a trustee of St. Peter's Church, and Francis Cooper, also a parishioner of St. Peter's. Cooper refused to take the oath. On June 6, 1805, the Catholics of the state petitioned for

¹¹ Woodstock College Archives, Woodstock, Md. Mr. Joseph Currie, S.J., called my attention to this letter.

the removal of this requirement which excluded them from state office. In the legislature the Federalists, led by William W. Van Ness and Abraham Van Vechten, fought to have the test retained. Of Van Ness, Fr. Michael Hurley, O.S.A., who was then at St. Peter's, wrote to Bishop Carroll that, "His scurrility was of the lowest, his invective the most bitter." Despite Van Ness's rhetoric the assembly passed Clinton's bill removing the ban by a vote of sixty-three to twenty-six. In the senate there was only one dissenting vote. As a result of these acts of good will, a great many of Clinton's more devoted supporters in New York State and City were of Irish and Catholic origin or descent. Those who lived in the city were, for the most part, parishioners of Fr. Kohlmann.¹²

In another letter to Fr. Grassi, dated April 4, Fr. Kohlmann wrote that the newly appointed district attorney, Barent Gardenier, a Federalist ex-congressman from Ulster County, had wanted to bypass the issue. However, a committee from the board of trustees of St. Peter's consisting of Assemblyman Morris, James Stoughton, the son of Don Thomas Stoughton, the Spanish consul in New York, and Stephen Jumel, a wine merchant whose widow would marry Aaron Burr in 1833, had urged him to continue the matter for the sake of Fr. Kohlmann's reputation and the Catholic religion. Gardenier gave the impression that the question would not be brought up. According to some, Fr. Kohlmann wrote, this unwillingness was due to political reasons, while others thought that the district attorney did not wish to give too much publicity to the Catholic Church. The trustees, however, were determined to have it decided either at the next sitting of the court or the one after. If the court refused to consider the question, they planned to carry it to the supreme court in Albany. Fr. Kohlmann mentioned that the case had aroused considerable public interest and, when he appeared in public, he was "assailed by people who wish to know something about our H[oly] religion."¹³

¹² Clinton's words are cited by Fox, *Decline*, p. 77, from the Clinton Mss., March 16, 1816. On Jay's part in the matter of the religious restrictions, see Alexander, *History*, I, 14; Frank Monaghan, *John Jay* (New York, 1935), pp. 94-95; and Anson P. Stokes, *Church and State in the United States* (New York, 1950), I, 405-406. On the whole affair see Ryan, *St. Peter's*, pp. 83-86, and Bobbe, *Clinton*, p. 121.

¹³ On Gardenier see Fox, *Decline*, pp. 101-102. The letter cited is in the Woodstock College Archives.

On May 18 Fr. Kohlmann informed Fr. Grassi that the district attorney, though pressed by the trustees, had not yet said when, or even if, the trial would take place. "Never has anything vexed the Court like this," Kohlmann wrote; and Gardenier wished to quash it. However, he planned to publish the pamphlet on confession, come what may. On June 4, he informed the Superior that, "Our famous trial is to be argued on the 7th inst. Mr. Clinton is to be one of the judges."¹⁴

When the court of general sessions did hear the case the bench was made up of the long-awaited De Witt Clinton, a new recorder, the distinguished Federalist lawyer, Josiah Ogden Hoffman, a supporter of Clinton in his campaign for the presidency in 1812 and the father of Washington Irving's long lamented fiancée, Matilda, and Aldermen Douglass and Cunningham. Barent Gardenier appeared in place of his predecessor, Riker, who having become convinced of the justice of the priest's claim of exemption, now represented him along with Sampson. George Wilson was prevented from taking part in the argument because of a death in his family, and Thomas Emmet could not appear because of a most pressing engagement in another court. The appropriate pleas were made and a jury sworn.¹⁵

Fr. Kohlmann was called as a witness, put under oath, and then questioned by Gardenier concerning the restitution of the stolen goods. He asked the court's leave to state his reasons for declining to answer the district attorney. That being granted, Fr. Kohlmann pointed out that, if he had been summoned as a private citizen to testify in the case on the basis of sources of information generally available, he would be bound in conscience to answer as he had done before in a previous trial. But, he continued, he knew nothing about the case being tried from such sources. If he had been called to testify as the minister of a sacrament in which God had enjoined perpetual secrecy on him he must die rather than reveal the identity of a penitent. He prayed the court's patience so that he could explain the principles on which his position was founded. The secrecy enjoined on the priest in confession, Fr. Kohlmann said, was of the same divine institution as the sacra-

¹⁴ Both letters are in the Woodstock College Archives.

¹⁵ *The Catholic Question*, p. 13.

ment of Penance itself. From the nature of the sacrament no man would reveal his most hidden thoughts to another sinful man like himself if he knew that the latter was at liberty to disclose them. Christ would have pulled down with one hand what He had established with the other because, if a priest were allowed to reveal what he had heard sacramentally, men would not frequent the confessional. The priest, he went on, who would reveal anything told him in confession, directly or indirectly, would degrade himself in the eyes of the Catholic world and in those of all men of sound principle. He would lose the right to exercise his priestly functions and make himself liable to everlasting punishment. He hoped the court would not find his reasons trivial.¹⁶

When Gardenier proceeded to ask Fr. Kohlmann some leading questions, the mayor and recorder intervened. Either, it was commented, the law allowed the priest the exemption claimed or it did not. The court would not allow the privilege to be frittered away nor would it permit that to be discovered indirectly which should not be disclosed directly. Sampson said that he and Riker stood ready to argue the point. The court, with the consent of the parties, adjourned the jury till June 14 so that it could have time to hear the arguments of counsel and give an advised judgment on Fr. Kohlmann's obligation to testify. June 7 being far spent, the court then adjourned itself to the next day.¹⁷

When the court met again, Riker spoke first and his plea turned out to be learned and far-reaching.¹⁸ The novelty and importance of the case, he explained, had caused him to employ more than ordinary diligence in preparation. Since the exemption claimed by Fr. Kohlmann was being examined judically for the first time in the United States, the court's decision would set a precedent and the Catholic citizenry regarded their right to the free exercise

¹⁶ The record of the trial, preserved in the library of the Court of General Sessions of New York City, puts Fr. Kohlmann's argument more succinctly: 'Evidence for the People, Anthony Kohlman [*sic*], who stated that he was a Priest of the Catholic Persuasion and could not give testimony in this case inasmuch as all he knew on the subject of this prosecution against the defendants was derived from Confession made to him as a Priest and while administering and performing the Sacrament of Confession, that being one of the Sacraments of his Church and Persuasion.'

¹⁷ *The Catholic Question*, pp. 8-12.

¹⁸ Riker's plea is in *The Catholic Question*, pp. 13-41.

of their religion as deeply involved in the outcome of the case. He then advanced two propositions which, he maintained, would sustain the witness in upholding his exemption from testifying. The thirty-eighth article of the Constitution of New York, Riker contended, protected Fr. Kohlmann's privileged position independently of every other consideration. In addition, the exemption was supported by the known principles of the common law by which no man was to be compelled to answer a question that would lead to his subjection to a penalty or forfeiture, would impair his civil rights, or the reply to which might degrade or disgrace him.

Before establishing these propositions Riker discussed a number of British rulings which he thought would help to an understanding of the case before the court. While he admitted the general rule that every one was bound to testify in court as to what he knew of a matter at issue, he pointed out that there could be exceptions. A lawyer could never testify against a client. He then raised the question whether a doctor was bound to testify in court concerning matters he had received in confidence. Riker said that it struck him as remarkable that elementary writers on evidence took it for granted that a physician was so bound. They laid down the rule absolutely, yet cited but one case, that of "The Trial of Elisabeth, calling herself Dutchess Dowager of Kingston, for Bigamy: before the Right Honourable the House of Peers," which had been decided in April 1776. So the clandestine activities of the adventurous Elisabeth Chudleigh became involved with the sacramental secrets of the zealous Fr. Kohlmann.¹⁹

Miss Chudleigh, whose visible, if not sole, source of income was that accruing to her as a maid of honor to Augusta, Princess of Wales, had privately married the Honorable Augustus John Hervey, the impecunious younger brother of the Earl of Bristol, on August 4, 1744. After a child, which died, had been born secretly in 1747, Hervey and his wife separated and she became the mistress of Evelyn Pierrepont, Duke of Kingston. In 1768 Hervey, who had succeeded to his brother as Earl, wished to marry again and sent word to his wife through a doctor, Caesar Hawkins, that he was going to apply for a divorce. To secure one he had to

¹⁹ For an account of this trial, see Thomas B. Howell, ed., *A Complete Collection of State Trials* (London, 1814), XX, cols. 355-652.

prove that he was married to Miss Chudleigh who now, technically, was the Countess of Bristol. She did not care to have her scandalous position exposed and, after she had taken an oath that she was not married, was declared a spinster by the consistory court of the Bishop of London in 1769.²⁰ She then married Kingston. In May 1773, Bristol petitioned the King in Council for another trial and his request was referred to Lord Chancellor Bathurst. The duke died on September 23, 1773, and Lady Bristol and/or the Dutchess Dowager of Kingston departed for Italy. She was summoned to return from that sunny clime in 1775 by a writ from the Court of the King's Bench which had been issued at the request of Evelyn Meadows, the late duke's nephew, who had uncovered new evidence of her marriage to Bristol. After a trial which lasted a week, April 15 to April 22, 1776, the Lords found her guilty but the penalties for her felonious action were remitted. She then returned to Italy and later went on to cut a figure at the court of Catherine the Great at St. Peterburg. Bristol died in 1779.

During the course of her trial the doctor, Hawkins, was called to testify as to her marriage to the earl. He replied that he did not know how far he could disclose an entrusted confidence and still maintain his professional honor. The chancellor, who was presiding as acting Lord High Steward, put the question to the Lords. Lord Mansfield, chief justice of the King's Bench, promptly answered that a doctor had no exemption in a court of justice. If any of the Lords present thought a doctor had such a privilege, he remarked, the matter could be discussed elsewhere.²¹ Riker regretted that, on this single decision, made on the spur of the moment, without discussion, a whole body of legal doctrine had been built. However, even if Mansfield's opinion were correct, it by no means followed that a clergyman was bound to reveal what a penitent told him in confession. He admitted that the text writers did seem to consider that the obligation to testify did include

²⁰ In English ecclesiastical law it was a suit of jactitation of marriage, the untruthful and malicious boasting by an individual that he or she had married another. For some reason, Bristol's defense was so weak there might have been collusion. William E. Baldwin, ed., *Bouvier's Law Dictionary* (Cleveland, 1934), p. 595.

²¹ Howell, *State Trials*, col. 573.

clergymen. However, he declared "without fear of contradiction," that the district attorney could produce only two cases in which the question had been raised concerning a clergyman.²²

The first case which Riker analyzed took his New York auditors away from the stately splendors of a trial in the House of Lords to the bleak Northern Circuit of England and a rather bleak case, *The King v. Sparkes*. It had not been reported, Riker said, but it had been referred to by Lord Chief Justice Kenyon while he was hearing *DuBarre's Case* in 1791. One Sparkes, a Catholic who was on trial for a capital cause before Mr. Justice Buller, had confessed to a Protestant clergyman to ease his conscience. The clergyman then proceeded to testify against him, and Buller allowed his testimony to be entered as evidence, the result being that Sparkes was hanged. Of Buller's decision to allow information gained in such a way to be used in court Kenyon remarked; "I would have paused before I admitted the evidence there given." Riker maintained that this case, at best a poor one, was not a precedent. Sparkes' Case differed from the one before the court because the confession had been made to a Protestant cleric who, apparently, not only had no scruple about revealing what he had heard but even seemed eager to do so.

Riker's second case took his hearers to Ireland in the troubled times of the late 18th and early 19th centuries, in the events of which Sampson and Emmet had been so deeply involved. He mentioned a decision given in Chancery by Sir Michael Smith, Master of the Rolls, in 1802 in *Dunboyne's Case*. A bill had been filed in the Irish Chancery praying that the estates of the late Lord Dunboyne be awarded to the petitioner, his sister, Catherine O'Brien Butler, who claimed as heir at law. The late Lord was John Butler, the third son of Edmond Butler, by courtesy eighth Baron Dunboyne. He became a priest and was named Bishop of Cork in 1763 by Clement XIII. His nephew, the eleventh baron, died in 1785 and the estates and title passed to the bishop. The latter, now over seventy years of age and having been twenty-three years a bishop, asked Pius VI in 1786 to be dispensed from his obligations and for permission to marry to carry on the family name.

²² *The Catholic Question*, p. 17.

His Holiness rather disgustedly refused. So Bishop Butler, Lord Dunboyne, gave up his ecclesiastical position and religion and married a Protestant cousin. Early in May 1800, Dunboyne, feeling that his end was near, wrote to Archbishop Troy of Dublin enclosing a letter to Pope Pius VII asking for forgiveness. The archbishop, fearful that Dunboyne would die before word could be received from the Holy See, sent Fr. William Gahan, O.S.A., an old friend of the dying man, to him. Dunboyne died on May 8. In his will, there having been no issue to his marriage, he bequeathed his estates in Tipperary to his relatives and, despite Archbishop Troy's objections, his lands in Meath to the trustees of the recently founded Catholic seminary, the Royal College of St. Patrick at Maynooth. After his sister's death the rents from these lands were to be applied by the trustees of the college for such purposes as they saw fit. Suit was brought against the trustees by his sister on the ground that Dunboyne's will was invalid because her brother, after becoming a Protestant, had "relapsed into popery" and by such an action was incapable of willing real property.²³ The plaintiff, Miss Butler, had Fr. Gahan summoned as a witness to the return of Lord Dunboyne to the faith of his ancestors. The priest was asked, among other questions, what religion the late Lord had professed from 1783 to 1792. He replied that it had been the Protestant religion. When he was asked, "What religion did he profess at the time of his death and a short time before his death?", Father Gahan declined to answer because his knowledge of the matter arose from a communication made to him in the exercise of his clerical functions. After the question had been discussed the Master of the Rolls found there was no great difficulty. He had allowed the matter to be aired because it seemed to arouse some public feeling. Fr. Gahan had no privilege and was legally bound to disclose what he knew. When a suit of ejectment against the trustees of Maynooth was brought by Miss Butler at the assizes held at Trim in August of the same year, 1800, Fr. Gahan was called and again declined to answer. He was then sentenced to imprisonment in Trim jail by Lord Kilwarden, the chief justice of Ireland, for contempt of court. When it was found

²³ 8 Anne c. 6, p. 10, *The Catholic Question*, pp. 132-133.

on other evidence that Dunboyne had died a Catholic, Kilwarden recommended that Catherine Butler and the trustees of Maynooth reach a mutually agreeable settlement of the matter, which was done. The chief justice, who later was dragged from his carriage and murdered by a Dublin mob in Thomas Street at the time of Robert Emmet's rising in 1803, then ordered Fr. Gahan's release.²⁴

Riker pointed out that the opinion of the Master of the Rolls was a unique one made in a country "more remarkable for nothing than the religious intolerance and bigotry of its laws."²⁵ He warned that precedents from that country in such a case should be admitted into American law with great caution. He then distinguished Fr. Gahan's situation from that of Fr. Kohlmann. The Augustinian's knowledge of the conversion of Lord Dunboyne was not gained solely in sacramental confession while Fr. Kohlmann's information was. He presumed, rather inaccurately, that Fr. Gahan was moved not to speak because, if he did, Dunboyne's will would be defeated and a flagrant injustice done, a motive Fr. Gahan had repudiated at the assizes at Trim.²⁶

Riker then cited a number of instances in which English judges had set aside precedents, if Dunboyne's Case was one. He mentioned that Lord Mansfield had overturned a rule of law on which "an hundred cases" had been determined because it was "absurd and wrong." For this he was praised by Lord Kenyon in an opinion in which he reversed a judgment of Mansfield "formed after full argument and sanctioned by all other judges of the King's Bench."²⁷ He reminded Mayor Clinton that he himself had overthrown the accepted doctrine on the conclusiveness of the sentences of foreign courts of admiralty as to the facts of a case. There was

²⁴ There is a full account of this case in John Healey, *Maynooth College: Its Centenary History* (Dublin, 1895), pp. 295-307. Apart from religious conviction, Fr. Gahan, if he admitted reconciling Dunboyne to the Catholic faith, would have accused himself of a capital crime according to the act of 2 Anne c. 6, p. 1. The reconciler and the reconciled were both liable to the penalties of praemunire. *The Catholic Question*, p. 129.

²⁵ *The Catholic Question*, p. 21.

²⁶ Of this decision Sampson wrote to Mathew Carey, "There was an Irish case which seemed to stand in our way, that of Mr. Gahan. . . . To meet that case I exposed with some warmth the whole Catholic Code of Ireland." American Catholic Historical Society of Philadelphia, *Records*, XIII, 246.

²⁷ *The Catholic Question*, p. 22, citing *Harrison v. Beecles*, 1 *Term Reports* 688-689, and *Jourdain v. Lashbrook*, 7 *Term Reports* 601.

another case, Riker said, which was "more emphatic in its character than that which I just noticed." It concerned the rule of law that truth is no justification on an indictment for a libel, one unchallenged by all legal writers. The case in which the rule was questioned was the highly political one of *The People v. Croswell* of 1804.²⁸

Harry Croswell, the Federalist editor of the Hudson, New York, *Wasp*, was charged with libeling President Thomas Jefferson. He had cited a statement from the Hudson *Bee*, edited by one Holt, to the effect that the burden of the Federal song was that Mr. Jefferson had paid James T. Callender, the Republican journalist who had exposed Alexander Hamilton's affair with Maria Reynolds, to write against the administration of John Adams. Croswell wrote that this charge was false. The true charge was that Jefferson paid Callender for calling Washington a traitor, a robber and a perjurer, for calling John Adams a hoary-headed incendiary, "and for most grossly slandering the private characters of men who he well knew were virtuous."²⁹ For printing this charge he was indicted and put on trial at the court of general sessions of Columbia County. The case was removed to the state supreme court and tried by Chief Justice Morgan Lewis, a brother-in-law of Chancellor Robert Livingston who, with his family, was at this time allied politically with the Clintons. Croswell vainly tried to have his case postponed until Callender could be called as a witness to the truth of his charge. He was convicted and the matter was brought to the court of errors, then the court of last resort in the state, on a motion for a new trial. In the motion it was stated that Chief Justice Lewis, in stating the law of libel, had charged the jury wrongly. He had instructed them that all they had to decide was whether or not Croswell had published the statement. His purpose and the libelous character of his remarks were not matter for them to consider. Alexander Hamilton, a Federalist leader with good reasons for disliking Thomas Jefferson and the scurrilous Callender, and the well-known Federalist lawyers Wil-

²⁸ E. Smith and E. Hitchcock, eds., *Reports of Cases Adjudged and Determined in the Supreme Court of Judicature and Court for the Trial of Impeachments and Correction of Errors of the State of New York* (Newark, 1883), I, 338-412.

²⁹ E. Smith and E. Hitchcock, *Reports*, I, 339.

liam W. Van Ness and Richard Harison appeared for Croswell. On the bench sat Lewis, his relative by marriage Brockholst Livingston, later an associate justice of the United States Supreme Court, Smith Thompson, who was to succeed Livingston on the Supreme Court in 1823, and James Kent. Attorney General Ambrose Spencer, DeWitt Clinton's brother-in-law-to-be and, at this time, political ally, appeared for the state. Hamilton made what the later Chancellor Kent termed an "at times highly impassioned and pathetic plea" for the freedom of the press. While the court divided on the motion for a new trial, the prosecutor, Spencer, never moved for a judgment against Croswell. In April 1805, the state legislature passed an act which declared truth to be a justification provided that the matter termed libelous was published with good motives and for justifiable ends.³⁰

Having examined the precedents and found them inapplicable, Riker hoped that he had stripped the cause of Fr. Kohlmann of embarrassment and that the court would feel free to follow the guidance of liberality and wisdom, unfettered by authority. He then turned to the first of his two arguments that would support his client's exemption from testifying, the thirty-eighth article of the Constitution of the State of New York. This read: "And whereas we are required by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance, wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind: This convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this state to all mankind. *Provided*, that the liberty of conscience hereby granted, shall not be so construed as to excuse licentiousness, or justify practices inconsistent with the peace or safety of this State." The convention which drafted this constitution, Riker said, intended to secure liberty of con-

³⁰ Broadus Mitchell, *Alexander Hamilton* (New York, 1962), II, 503-508, is a recent account of the case. Hamilton's brief and plea are in Henry C. Lodge, ed., *The Works of Alexander Hamilton* (New York, 1904), VIII, 383-425.

science to everyone. How, he asked, could a Catholic enjoy such liberty if a priest could be coerced by a court to tell what a penitent revealed and the latter could be dragged into court for what he said in confession?

There was a case analogous to that of Fr. Kohlmann, he went on, that of *Harrison v. Evans*. This concerned a rather vicious abuse systematically practiced by the Corporation of the City of London against rich Jews and dissenters. It consisted of deliberately electing religiously ineligible men to municipal office so that they could be fined heavily for declining to fill the positions. One victim chosen was Harrison, a dissenting freeman of London, who was elected one of the sheriffs of the city. By law he could not take office by virtue of an Act of Parliament of May 6, 1661, according to which he was required to have partaken of the Lord's Supper according to the rite of the Church of England during the year before he took office. On the other hand, by a by-law of the City of London, men who refused to serve as sheriffs when elected were fined six hundred pounds. Evans declined to serve and was summoned to court by the chamberlain of the city, Harrison. In his defense Evans invoked the Toleration Act of 1690 and pleaded that he was a dissenter within the meaning of the act who had never communicated according to the Anglican rite and that he could not in conscience do so. While it was agreed that he would be liable to punishment if he took office without communicating in the Anglican Church, he was fined by the sheriff's court and the decision was reaffirmed by the court of hustings of the City of London.³¹ Evans appealed to the House of Lords where the judgment was unanimously reversed. Of the laws and the proceedings in the lower courts Lord Mansfield observed, "Make a law to render them [dissenters] incapable of office; make another to punish them for not serving. If they accept, punish them; if they refuse punish them. . . . My Lords, this is a most exquisite dilemma from which there is no escaping; it is a trap a man cannot get out of. . . ."³²

Riker then applied Mansfield's reasoning in Evans' Case to

³¹ This was the county court of the city. Baldwin, *Dictionary*, p. 246.

³² "Sylvanus Urban" (David Henry and Richard Cave), ed., *The Gentleman's Magazine*, 41 (1771), 65-70, gives an account of the case and Mansfield's opinion. See Ursula Henriques, *Religious Toleration in England, 1787-1833* (Toronto, 1961), pp. 15-16.

that of Fr. Kohlmann. By the constitution of the state a Catholic citizen of New York was assured that he had complete freedom of religion. A priest could freely administer the sacrament of Penance and it was well known that priests could never reveal what they heard in confession. Then it was argued that, while priests were not to be compelled to disclose what they had heard, they were to be imprisoned and possibly fined for not doing so, a scandalous sophistry. The House of Lords had decided that the exemption claimed by Evans belonged to him by necessary implication from the words of the Toleration Act of 1690 which had "left dissenters to act as their consciences shall direct them in matters of religious worship." Riker contended that the thirty-eighth article of the New York Constitution was broader in its intent than the Toleration Act and that the rule of construction laid down in Evans' Case should be applied in the present one. According to that article everyone was to be secure in the free exercise of his religious beliefs and ways of worship without distinction, discrimination, or prejudice. Everything necessary to attain this object was guaranteed by implication. Only licentious acts or those leading to breaches of the peace or endangering the safety of the state were forbidden. Since there was no statutory provision on the point at issue, Riker argued, the principles of the common law, as enunciated by Mansfield, were applicable. The chief justice had declared that no man had ever been punished in England for modes of worship except there was a positive law so ordering.³³

Riker then demonstrated that the practice of confession did not lead to licentiousness, to breaches of the peace, or endanger the state.

Having completed the section of his argument based on the constitutional provision, Riker turned to that based on the principles of the common law according to which no man could be compelled

³³ Mansfield may have been mistaken on this point. In 1401 William Sautre, a priest convicted of Lollardy, was burnt by the authority of a writ *de haeretico comburendo* issued by Parliament. Under Edward VI certain Arians and Anabaptists were executed under this writ as if it were common law. See T. P. Taswell-Langmead, *English Constitutional History* (10th ed., Boston, 1946), p. 298 and note *h*; and Frederick Maitland, "The Deacon and the Jewess; or, Apostasy at Common Law," in V. Delaney, ed., *The Maitland Reader* (New York, 1957), pp. 62-78.

to answer a question which would subject him to a penalty, forfeiture, or impairment of his civil rights, degradation, disgrace, or disparagement. No man, Riker said, was bound to accuse himself of a crime, nor to answer a question which might cause him to be penalised. It might be argued, he conceded, that the rest of his proposition was not as well established as these maxims of the common law. He turned to the question whether a witness was bound to reply in court if his answer would impair his civil rights and cited a number of cases to support his contention that he did not have to do so. The district attorney interrupted to say that he admitted that the law was as Riker said. The lawyer then took up the matter of questions, the replies to which might degrade, disgrace, or disparage the answerer. While he granted that there was confusion on the point, Riker said that the propriety of asking such questions had been very much doubted by Lord Chief Justice Treby, Sir William Blackstone, Lord Chief Justice Ellenborough, and Lord Chief Justice Alvanley. The weight of opinion was against compelling a man to degrade himself both in England and the United States. He then applied these principles to Fr. Kohlmann's case. Under oath the rector of St. Peter's Church had stated that, if he revealed what he heard in confession, he would violate his religious beliefs, commit a great impiety, be degraded in his Church, forfeit his clerical position, and be disgraced in the eyes of all Catholics. So he should not be called upon to make himself infamous.

In conclusion Riker begged the court that its decision be marked by liberality and wisdom. To force Fr. Kohlmann to answer would cast a shadow on American jurisprudence and "the virtuous and wise of all nations would grieve that America should have so forgotten herself as to add to the examples of religious despotism."³⁴

Then District Attorney Gardenier rose to argue for the people.³⁵ He commenced by saying that he did not want to do so. When he had first heard of the matter he had let it be known that he intended to enter a *nolle prosequi* but he had been urged by several Catholics to bring up the point at the time so that a decision could

³⁴ *The Catholic Question*, p. 40.

³⁵ Gardenier's argument runs from p. 42 to p. 51 of *The Catholic Question*.

be had on it. He hoped he would give offense to no one but the question was of such a nature that a discussion of it was bound to give pain to some. Still it was his duty to examine whether priests of the Catholic Church were entitled to an exemption to which no else pretended, that of concealing matters which concerned the public good and safety. He would approach the question from the common law and the New York Constitution.

It was an undisputed principle of the common law, he said, to which only the lawyer-client relationship was an exception, that a citizen must disclose what he knows about a situation when called upon to do so in court. Unless counsel for the defense could establish that knowledge obtained by a priest in confession was also a legally settled exemption, the priest must answer. Riker, he said, had produced no decision in which such an exemption had been recognized, and the district attorney brushed aside, to his own satisfaction, Riker's learning by saying that the cases he had discussed contained, if any, a contrary doctrine. He would not press these cases, however, because they were not necessary to his argument. The right to examine Fr. Kohlmann grew out of the general rule that every man must answer when questioned in court. Unless it could be shown by some adjudicated case that a priest was exempt, Fr. Kohlmann was not so privileged, and Gardenier declared there was no such case. The decision in *Dunboyne's Case* and the drift of every other case cited by counsel for the defense supported the general rule and excluded the exemption claimed by Fr. Kohlmann.

He then proceeded to argue from the article on religious freedom in the New York Constitution. It could not be disputed, he said, that, when the constitution had been drafted, the people of New York were a Christian Protestant people. However, they were also a people who were aware of the injustice and evils of religious intolerance, and they resolved that not only all Protestant denominations should be placed on a basis of equality but that professors of other religious beliefs should be treated in the same way. It certainly was never intended that any one denomination should be preferred above others. To tolerate a religious profession, he said, was one thing. To allow anyone to conceal knowledge on which the public safety depended was quite another. Crime had

to be punished in the interest of the public safety and punishment could not be meted out if witnesses were to be excused from revealing their knowledge of felonies. A belief which made it a religious duty to conceal such knowledge fell within the limiting proviso of the thirty-eighth article of the constitution because it was inconsistent with the safety of the state.

Religious liberty had been granted by a Protestant people to all others. These others, however, Gardenier argued, were not entitled by this grant to do things endangering the peace of their Protestant benefactors. This a priest did and was bound to do if he refused to testify. Protestants were bound to answer in court and by replying they protected the whole community, Catholics included. But a priest was to be indulged in a privilege, in the name of equality of religion, and thereby endanger everyone else. Would a sect which sincerely believed it to be a duty to sacrifice the first born of every family be similarly indulged. Gardenier asked. Then, perhaps adverting to the fact that the country was at war and that frigates from Admiral Sir John Borlase Warren's blockading fleet entered and left the Lower Bay with impunity, he presented another hypothesis.³⁶ Should a Catholic priest who knows of a treasonable conspiracy to surrender a city be permitted to say his religion prohibited him from preventing the oncoming treachery because his knowledge was gained in confession?

The district attorney then took up the practice of fining members of the Society of Friends for refusing to bear arms. A fine, he said, was a punishment and the Quaker's offense was that he would not shed blood because of his religious beliefs. While the state did not require his personal services, it did not accept his excuse, his religious conviction, and he was fined. Statesmen, Gardenier said, could never admit a principle which excused any individual from the obligation of protecting society. It followed from this that the Quaker's liberty of conscience was lost in the superior duty he owed society. Why should a Catholic priest be excused from the same great duty? According to the district attorney, the secrecy of the sacrament of Penance could not be found in Holy Writ and was not of the essence of the sacrament. The

³⁶ I. N. Phelps Stokes, *The Iconography of Manhattan Island, 1495-1909* (New York, 1915), III, 507.

privilege claimed by the Catholic penitent was not that he might ease his conscience by confession but that he would never be confronted with what he had confessed. That claimed by the priest was not the right to hear confessions but not to tell what he had heard in that context. The New York Constitution prohibited preferential treatment in matters of religion and Gardenier contended that to force a Protestant minister to tell what he heard in his clerical capacity and to exempt a Catholic priest was discriminatory.

He termed Riker's argument that the Catholic Church would deprive Fr. Kohlmann of his office if he testified a fallacious one. Such a line of argument could be extended indefinitely. He took as an example a witness who belonged to a society whose members were bound under oath to take the life of any associate who testified against a fellow member. Would such a man be excused from testifying? As to Fr. Kohlmann's position as rector, the law would restore him to it by a writ of mandamus, and he would only become infamous by testifying in the eyes of those who deemed obedience to law a crime. To argue that a society to which a man belongs will deprive him of his livelihood and make him infamous if he testifies in a court of law and to appeal to the law to declare that such a society should be indulged in this exemption would be to place that society above the law. If a society of laymen adopted such a principle it would be regarded as guilty of conspiracy against the state. Was the case different, he asked, because a religious society did the same thing. To allow the exemption claimed by Fr. Kohlmann would violate religious equality and endanger the safety of society. The state, Gardenier asserted, was superior to all religious denominations, and it could never be supposed to have granted away a right essential to its safety. When the district attorney had finished the court assigned the following morning for the defense's reply and adjourned for the day.

When it convened again on Wednesday, June 9, William Sampson rose to speak. He confirmed the district attorney's statement that he had been strongly urged by the trustees of St. Peter's Church to bring the matter forward and read a written request to that effect signed by Dennis McCarthy, the secretary of the

board, dated April 19, 1813.³⁷ The trustees, Sampson said, sincerely considered the freedom of the Catholic religion involved in the case and had urged Gardenier to make it a subject for judicial determination. His fellow counsel, Riker, Sampson went on, had not relied on reason only but had shown that the current of authority was so strong that the district attorney had felt compelled to evade the cases cited and to appeal to popular prejudice. He recalled that, when the question had first arisen, he had said he had never heard of a similar case in any country. He had spoken sincerely for the only case that had arisen had occurred in Ireland after his banishment, that of Fr. Gahan in Dunboyne's Case. He himself would notice only two cases. Of the case of Fr. Gahan, Sampson remarked that "it is not so much against us as I could wish."³⁸ He regretted that it was not equally in point so that by a decision "directly in the teeth of it" the superiority of American jurisprudence might be more fully understood and revered." He urged, "Let us first inquire what they do and say on this and the other side of the Ganges, let us consult with cannibals, but take no counsel from that Island where, for centuries past, a code has existed, and been in full and vigorous activity, which shames humanity. . . . For everywhere else, though there may be madness, superstition, or idolatry, there may be some chance of impartiality; but in Ireland there can be none." He urged the court to consider Sir Michael Smith's decision outside the context of Irish history and politics and see on what shallow grounds it was founded. The Master of the Rolls had stated that, because no case could be found in which a Catholic priest had been exempted from testifying, there was no legal privilege. The more obvious conclusion, Sampson said, was that no case could be found because such an unwarranted use of force had never been exercised even in times of intense religious persecution. Anyone who glanced at the penal code enforced in Ireland would know that, if it ever had been lawful to force a priest to testify, it would have been done long before Sir Michael's time. By a statute made in the reign of Queen Anne, he continued, two justices of the peace might summon any Catholic person or persons to find out when they had last

³⁷ *The Catholic Question*, p. 54.

³⁸ *Ibid.*, p. 56.

heard Mass, who celebrated it, and who were present. They could also ask them if they knew of the whereabouts of the lodging of a Catholic priest or schoolmaster and, if the people so interrogated declined to turn informers and had no money with which to ransom themselves, they had power to commit them to prison for a year.³⁹ Despite this minute type of persecution it was never attempted to force a confessor to reveal what a penitent told him.

He then adverted to the history of Dunboyne's Case and said of the dying lord's return to the Church, "He was a man and the heart of a man, like the hunted hare, in its last extremities will double to its early lair."⁴⁰ Why was his will to be voided, Sampson asked. Not, he said, because it was vicious but because, in the jargon of the penal code, he had "relapsed into popery." He doubted if any man then in court would care to have his acts annulled because he had "relapsed" into Presbyterianism, Episcopalianism or Methodism. In Dunboyne's Case the question was not whether there was any guilt in the devisor but whether he took leave of this world pursuant to act of Parliament made in breach of the Treaty of Limerick of 1691 and in all uncharitableness.⁴¹

Recorder Hoffman asked how Dunboyne's Case was ultimately settled. Sampson replied that, "if I am not deceived, the will was finally established." He was, since the case had been arbitrated. He then commented that Kilwarden may have felt the cruelty of the proceedings against the elderly Fr. Gahan and wished, in some degree, to wash his hands of it by letting him out of jail in a week. Sampson, who had been harried out of Ireland by Kilwarden when he was Attorney General Arthur Wolfe, said of the judge and his violent death that "he was not the worst who governed in those times, and many regretted that the popular vengeance that lighted on his head had not rather fallen on some others."⁴² Ireland, the lawyer continued, was not the place to look

³⁹ 8 Anne c. 3, p. 2 and p. 16. *The Catholic Question*, pp. 125, 129.

⁴⁰ *Ibid.*, p. 64.

⁴¹ By this treaty Catholics in Ireland were to enjoy the privileges they had had in the time of Charles II, and their estates had been restored to them under certain conditions. The purpose of the act referred to, 8 Anne c. 6, p. 10, had been to prevent the building up of a Catholic landed group of importance. See Edward A. Dalton, *History of Ireland* (London, 1910) II, 461-666, and *The Catholic Question*, p. 133.

⁴² *The Catholic Question*, pp. 63-64.

for precedents where the rights of Catholics were concerned. "Away then with Irish cases and authorities," he implored the court, "for to adopt them would be as mad as wicked." Of the small but powerful Irish Protestant Ascendancy he declared, "The Irish persecutors had their motives. It was their interest. They lived upon it. They had no living else than plots and forfeitures. They were not simple bigots acting from mistaken consciences. They were pirates determined to hold what they had got, and rather then lose it scatter law and justice to the winds and waves."⁴³ Sampson was not exaggerating the concern of the Ascendancy for their estates. John FitzGibbon, later Lord Chancellor Clare, warned them often that, once the authority of British statutes was challenged, the bases of the titles on which their estates depended would be shaken. The Act of Forfeiture of 1642 would go and the "lapses" into Anglicanism of their ancestors would be of no earthly avail to their heirs.⁴⁴

He then turned to English history and recalled that a bill was proposed in 1788 for the relief of Catholics in England and a delegation from that group had waited on William Pitt. He asked them to secure evidence from Catholic universities that certain tenets imputed to Catholics were not taught by the Catholic Church. He drew up three questions. The first asked, "Has the Pope or cardinals, or any body of men, or any individual of the Church of Rome any civil authority, power, jurisdiction or pre-eminence whatever within the realm of England?" The second query was, "Can the Pope or cardinals, or any body of men, or any individual of the Church of Rome absolve or dispense His Majesty's subjects from their oath of allegiance on any pretense whatever?" The third asked, "Is there any principle in the tenets of the Catholic Church by which Catholics are justified in not keeping faith with heretics or other persons differing with them in religious opinions in any transaction of a public or private nature?" These questions were sent to the Sorbonne, Douay, Louvain, Alcala, and Valladolid; and these universities replied, without hesitation, that

⁴³ *Ibid.*, p. 71.

⁴⁴ See William Griffin, "John FitzGibbon, Earl of Clare" (Unpublished Dissertation, New York, Fordham University Library, 1962), pp. 26, 28-30, 128-129, 133-134.

they were not beliefs of the Catholic Church. Sampson remarked that he would venerate Pitt for this attempt to lay canards and rumors low if he thought he was sincere. "It would cover a multitude of his sins." The chief of these, according to Sampson, was his toleration in Ireland of a pernicious rabble of No-Popery Orangemen, "king's conscience men," and "peep of day boys." While Pitt despised them, he used them to destroy the Irish Parliament which, antecedently, he had corrupted.⁴⁵

Mayor Clinton interrupted Sampson to ask from what book he had gotten Pitt's questions. He replied that he had taken them from Plowden's *Historical Survey of the State of Ireland* and he presumed they were in the *Journals* of Parliament. He was confirmed in this by Recorder Hoffman who said he had seen them there.⁴⁶

The New York Constitution, Sampson continued, was clear and unequivocal on religious freedom. The people, whose will it expressed, were not of one church but of various denominations. Many had suffered disabilities under established churches and none, he hazarded the guess, would care to return to the former state of affairs so far as religion was concerned. Among the many losses that would result from such a step, Sampson said, was that "we would be deprived of the respected magistrates who now sit to judge of one of our most precious rights. . . . they would have to come down from the bench which they fill so well, and pay a penalty for having sat there unless they could produce the certificate of a churchwarden that they had taken a sacrament they did not acknowledge, in a church that was not their own."⁴⁷

⁴⁵ Sampson is referring to those Irishmen who supported Pitt in his plan for the union of England and Ireland. The anti-Catholic Orange Society originated in Ulster in 1795. George III, whose mental powers were weakening at this time, was violently opposed to any move to alleviate the hardships under which his Catholic subjects labored because he thought that by so doing he would violate his coronation oath. There were those, high and low, who played on the King's conscience, and Pitt's interest in doing something for the Catholics of the kingdom led to his dismissal as Prime Minister. "Peep of day boys" were Ulster Protestants who, among other activities, used to raid the houses of Catholics at dawn to search for illegal arms. See Edward Dalton, *Ireland*, III, 25, and P. W. Wilson, *William Pitt, the Younger* (Garden City, N.Y., 1933), pp. 292-296.

⁴⁶ Francis P. Plowden, *An Historical Review of the State of Ireland* (London, 1803) IV, Appendix, 27-31, contains the questions and excerpts from the answers of the Universities.

⁴⁷ *The Catholic Question*, pp. 77-78, 131-132.

Sampson then referred to the situation of the Friends and said that the constitution tolerated all religions and, as a result, "The Friend was not called upon to swear, nor the confessor to betray." He contended that the Friends were not fined for not serving in war. They were exempt from service and, for less than the hire of a day-laborer, they were defended, which was not a penalty but a signal benefit. He concluded from the fact that this exception was clearly defined that the framers of the constitution, who knew the beliefs of Catholics as well as those of the Friends, intended no other. Being Protestants they must have known what they were protesting against. But if, as Gardenier had said, the people who made the constitution were a Protestant people, they were also a Christian people. Was it likely, he asked, that, when they drew up an article tolerating the religions of all mankind, they would have put in a proviso excluding three-fourths of the Christians who inhabited the world?

Sampson then denied the district attorney's presumption that the general principle of law was on his side and that it was for the defense to show that its client was entitled to an exemption to it. On the contrary, he asserted, the general rule laid down by the New York Constitution was that all men were to be tolerated without discrimination. The defense claimed no exemption from that rule and it was Gardenier's task to prove that his client fell under the proviso about licentious practices and danger to the state. Fr. Kohlmann had scarcely acted licentiously in discharging his religious duties. The district attorney, in the face of this difficulty, had then fallen back on the clause referring to danger to the state. He had imagined that a group of Catholics, who were conspiring to deliver the city to an enemy, confessed their plan to a priest, and, because of his silence, the city was lost. After adverting to the fact that the vast majority of Fr. Kohlmann's parishioners, who were of Irish origin or descent, were hardly liable to create a clear and present danger to the country in 1813 by cooperating with Sir John Warren or his agents, he remarked that, if all possible things "however unsupposable were to be supposed against Catholics," the district attorney's argument might do. But such a presumption would make the thirty-eighth article of the constitution a dead letter so far as Catholics were concerned. Catholics knew, Sampson de-

clared, that, while they acknowledged the pope as supreme head of the Church, their duty as citizens would oblige them to resist him as a temporal prince if, in that character, he made war on their country.

Sampson then turned to Gardenier's argument that the people of New York were a Protestant people when the Constitution of 1777 was drafted and had no intention of placing Catholics in a preferred position, which would be the case if priests were exempt from testifying on matters heard in confession. Sampson said no privilege was sought. The purpose of the constitutional article was to allow Protestants to live as Protestants and Catholics as Catholics with all that implied. The state was not endangered by the practice of confession, he went on. That institution had existed for centuries in all kinds of states, and none of them had been put in peril by it. He closed with a fervent plea for fraternal charity.

On Monday, June 14, the jury was summoned and Mayor Clinton gave his opinion and the decision of the court.⁴⁸ After briefly reviewing the facts of the case and the law of evidence, the mayor turned to the question of forcing a witness to answer a question which might disgrace him without, however, making him liable to punishment. He admitted that there was conflict of opinion on the subject. However, after he had examined the question, it was his judgment that, because of the danger of perjury, such a witness should not be compelled to answer. He cited the decision in the case of Peter Cook who was indicted in 1696 for treason. Cook was among those accused of being involved in a Jacobite conspiracy to murder William of Orange as he returned to London from hunting at Richmond. Cook challenged a number of proposed jurors and asked one if he had not said he believed him guilty. Lord Chief Justice Treby ruled that the juror was not obliged to answer.⁴⁹ Treby's decision had been reaffirmed by Lord Ellenborough when he ruled that a witness who had been asked if he had ever been in a house of correction need not answer the question.

After citing several other cases Clinton admitted that they did not touch the case before him directly. While they did have some

⁴⁸ Clinton's opinion runs from p. 92 to p. 114 of *The Catholic Question*.

⁴⁹ Cook's Case is in Howell, *State Trials*, XIII, cols. 311-398.

bearing on it, they differed from it in being retrospective, looking to a past event. The present matter looked to the future. In Fr. Kohlmann's case the court was being called upon to force a man into doing something which in his own eyes and those of many others would disgrace him in this world and possibly damn him in the next. The choice offered the priest was to violate his ecclesiastical vows by telling what he knew or his civil oath by perjury. The mild and just principles of the common law, the mayor said, were never intended to place a man in such an intolerable position. The only course the court could pursue was to declare that Fr. Kohlmann need not testify at all. No decisions of British courts contradicted the inferences that had been drawn from the general principles mentioned in the course of argument. Only two were in any way analogous, those of Sparkes and Dunboyne.

Of Sparkes' Case, Clinton said that it was not of record and that it had been cited by counsel in a case and, therefore, was "liable to those errors and perversions which grow out of that situation." Secondly, it was the decision of a single judge "in the hurry of circuit, when a decision must be made promptly without time for deliberation, and without opportunity for reference to books." Thirdly, it was virtually overturned by Lord Kenyon with as much openness as a judge can use in contradicting a colleague. Fourthly, the Protestant clergyman would not suffer for his disclosure. Finally, the decision of Justice Buller was simply wrong. The mayor rose to emotional heights and declared that, "When a man under the agonies of an afflicted conscience and the disquietudes of a perturbed mind, applies to a minister of the Almighty, lays bare his bosom filled with guilt, and opens his heart black with crime, and solicits from him advice and consolation, in this hour of penitence and remorse, and when this confession and disclosure may be followed by the most salutary effects upon the religious principles and future conduct of the penitent, and may open to him prospects which may bless the remnant of his life with the soul's calm sunshine and heart-felt joy, without interfering with the interests of society, surely the establishment of a rule throwing all these pleasant prospects in the shade, and prostrating the relation between the penitent and the comforter, between the votary

and the minister of religion, must be pronounced a heresy in our legal code."⁵⁰

Sir Michael Smith's decision against Fr. Gahan's plea in Dunboyne's Case, the mayor said, was based on loose and general reasons and he saw no analogy between that case and that of Fr. Kohlmann. He commented that those who knew anything about the history of Ireland would give little or no weight to the decisions of Irish courts respecting Roman Catholics. An American could look but with a jealous eye on all decisions which further fettered them and riveted their chains more tightly. In addition, Fr. Gahan's information was confidential, Fr. Kohlmann's sacramental, the mayor rather mistakenly asserted. Fr. Gahan, it would appear, had both kinds of knowledge of Dunboyne's situation.

Having disposed of Sparkes' and Dunboyne's Cases, Clinton stated that the provision of the New York Constitution should be given the widest interpretation. In this country there was no such thing as a tolerated religion. Toleration resulted from an establishment of religion, an alliance between the state and a church, while the constitution guaranteed religious freedom. This implied that the ordinances of a religion should be administered and its ceremonies performed as well as its essential beliefs protected. The Protestant Church had the rites of Baptism and the Lord's Supper, and Clinton asked his hearers to suppose that a court decision prohibited the administration of one or both. Would not freedom of religion be violated? As far as danger to the state went, the question at issue was whether the natural tendency of the practice of confession was to produce effects injurious to the public peace or safety, not whether the public might possibly, at some indefinite time, be injured by such an institution. To apply the limiting clause of the constitutional article to Fr. Kohlmann's situation would be to stretch its meaning beyond understanding and destroy freedom of religion. The proviso, he said, would destroy the enacting clause, the exception would be broader than the rule, the principles of sound reasoning would be subverted and the convictions of common sense would be overthrown.

The mayor closed by saying that he spoke of the question only in

⁵⁰ *The Catholic Question*, p. 105.

its legal and constitutional aspects and not of its theological bearing. Although he differed from the witness and his brethren in religious belief, he saw no reason to question their motives or impeach their conduct. They were protected by the constitution and laws in the full and free exercise of their religion and the court could not countenance or authorize an insult to their beliefs or torture to their consciences.

Fr. Kohlmann's exemption from testifying having been upheld by a unanimous court, there was not evidence enough to convict, and Daniel Philips and his wife, having served a purpose in the religious history of the United States they could not have foreseen, and played a role they most probably did not desire, went free. A precedent had been set which was later made a statute, while Clinton was Governor of New York, in more general terms. In 1828 it was enacted by the New York Legislature that, "No minister of the Gospel or priest of any denomination whatever shall be allowed to disclose any confession made to him in his professional character in the course of discipline enjoined by the rules and practices of such denominations."⁵¹

⁵¹ As of 1955, twenty-nine states had similar statutes. See John P. Leary, ed., *I Lift My Lamp* (Westminster, Md., 1955), p. 147.

BISHOP BARRON AND THE WEST AFRICAN MISSIONS, 1841-1845

BY RICHARD K. MACMASTER*

The beginnings of the Catholic Church in West Africa can be traced to a decision taken at the Second Council of Baltimore in 1833. At the request of Bishop John England of Charleston, the American hierarchy discussed the spiritual needs of the Negro colonists who had left the United States to settle in Liberia. The Council then decreed that the pastoral care of those who migrated to Liberia should be entrusted to the Maryland Province of the Society of Jesus and petitioned the Holy See to assign the mission to the American Jesuits.¹

It was not until 1841 that the first missionary priests assigned to tropical Africa in modern times began their apostolic labors. The Very Rev. Edward Barron of Philadelphia and the Rev. John Kelly of Albany, New York, sailed for Liberia in that year to establish a mission station at Cape Palmas. After his consecration as Bishop of Constantina and Prefect Apostolic of the Two Guineas, Bishop Barron created new missions in Gabon and the Ivory Coast. When Bishop Barron returned to the United States in 1845, the death of nearly all his fellow missionaries had forced him to abandon all but one of the newly-founded missions. In Gabon, however, the Rev. John Bessieux kept the African mission alive and, in consequence, the first American Catholic effort in the foreign missions may be justly regarded as the beginning of Catholic missions in Africa south of the Senegal.²

Bishop Barron was not the first Catholic missionary in Africa, but the once-flourishing Capuchin and Jesuit missions in Sierra Leone, Ghana, Dahomey, Nigeria, and the Congo had all disappeared by the close of the 18th century. Even the Portuguese island of São Thomé, once a diocese, was no longer even a parish. The French island of Goree and St. Louis de Senegal at the northern

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¹ *Concilia Provincialia Baltimori Habita ab Anno 1840* (Baltimore, 1842), p. 100.

² Martin J. Bane, S.M.A., *Catholic Pioneers in West Africa* (Dublin, 1956), pp. 119-120.

extremity of tropical Africa were the only Catholic outposts in the 19th century.³

The modern history of Christianity in West Africa is closely linked with British and American efforts to resettle freed slaves and Africans liberated from slave ships in Liberia and Sierra Leone. Church of England and British Wesleyan missionaries concentrated their efforts in Sierra Leone until the 1840's, while American Baptists, Congregationalists, Episcopalians, Methodists, and Presbyterians confined their missions to Liberia until the same decade.

The American Colonization Society began its work of assisting free Negroes and manumitted slaves to find new homes in Liberia in 1816. From that time until January 1, 1834, slightly more than 2,000 colonists left the United States to settle in Africa. Since no accurate religious census was made of these settlers, it is impossible to say how many were Catholics, but the number would certainly be very small. In 1842 the Rev. John Kelly estimated that there were less than twenty Catholics in Liberia. Bishop Barron put the figure at fourteen.⁴

When the Baltimore Council met in 1833, however, it seemed probable that a large percentage of the Catholic Negroes in Maryland would migrate to Liberia. The slave insurrection in Virginia in 1831 led by Nat Turner, a free Negro, had repercussions throughout the South. In nearly every state the legislatures passed laws restricting the liberty of free Negroes and encouraging them to leave the country for Africa. In Maryland Dr. Octavius C. Taney, a Catholic senator from Calvert County, offered a resolution calling on the legislature to devise some means, "by which we may facilitate the removal of the free persons of color from our state, and from the United States."

The Maryland legislature created a committee with Taney as chairman to prepare a bill on this subject. The committee introduced a measure that placed numerous restrictions on the

³ Richard Gray, "The Archives of the Vatican and the Propaganda Fide as a Source for the History of West Africa," *Bulletin of the Society for African Church History*, I (1963), 2-8.

⁴ P. J. Staudenraus, *The African Colonization Movement 1816-1865* (New York, 1961), p. 251. The Rev. John Kelly, *Diary*, February 6, 1842, *Historical Records and Studies*, XIV (1920), 122.

rights of free Negroes and provided for an annual appropriation to aid in paying the passage of all who were willing to emigrate from the United States. The Maryland State Colonization Society was entrusted with their resettlement in Africa. The Society purchased land at Cape Palmas for an independent colony of Maryland-in-Liberia. The bill further provided that no slave could thereafter be set free in Maryland without a prior agreement to leave the state forever.⁵

Had this scheme met with any measure of success, several hundred Catholics would probably have migrated to Liberia. The 1840 census figures for predominantly Catholic St. Mary's County record 5,761 slaves and 1,393 free Negroes. There were 90,000 slaves and 62,020 free Negroes in all of Maryland at this time. While no official figures exist, archdiocesan authorities estimated that Catholics represented one-sixth of the total Maryland population in 1840. The number of Negro Catholics in the state might be conservatively estimated at 15,000, including 5,000 free Negroes directly effected by the 1831 law. The resettlement of a thousand Catholic families on a continent without priests would be sufficient reason for the Council's concern.⁶

As matters turned out, however, the colonization scheme made no appreciable change in Maryland. Few of the free Negroes in the state had any desire to migrate to Africa, especially under a system they knew was designed to perpetuate slavery, while most newly manumitted slaves chose the District of Columbia or some Northern state when ordered to leave Maryland.⁷

By October 1834, only twenty colonists had set out from Maryland under the aegis of the State Colonization Society. In 1835

⁵ *African Repository*, VIII (1832), 52-5. Jeffrey R. Brackett, *The Negro in Maryland* (Baltimore, 1889), pp. 236-239.

⁶ The total Maryland population in 1840 was 470,000, including 318,000 whites. *The Metropolitan Catholic Almanac and Directory for 1842* (Baltimore, 1842), p. 75, estimates the Catholic population at 80,000. *Maryland Colonization Journal*, I (1841), 10. *Maryland Farmer* (Baltimore), March 23, 1842.

⁷ Maryland State Colonization Society Papers, Maryland Historical Society, Baltimore. Hereafter cited as MSCS. A descriptive catalogue of this extensive collection was published in *Maryland Historical Magazine*, XXXV (1937). William Watkins to James Hall, May 24, 1841. Agent's Book, I, William McKenney to E. A. Andrews, August 15, 1835, to George Combs, September 10, 1835.

they were joined by eighty-one migrants from Anne Arundel and Calvert counties.⁸

In St. Mary's County, where the Catholic percentage of the population was highest, the Society had the active support of prominent Catholic laymen like Colonel George Combs and Congressman John M. Causin. The Society's traveling agents visited the county at regular intervals on recruiting tours. No more than ten residents of St. Mary's County migrated to Liberia between 1835 and 1841, however, and of these migrants only one can be definitely identified as a Catholic. Three others were manumitted by Catholic planters, while six were set free by their Protestant masters. In Charles County, where there was also a considerable Catholic population, all but one of the colonists were freed by a retired clergyman of the Protestant Episcopal Church and very likely shared his religious convictions.⁹

Although the anticipated exodus failed to materialize, Father William McSherry, S.J., provincial of the Jesuit Maryland Province, prepared to undertake the mission in Liberia. In October 1834, William George Read, a prominent Catholic attorney of Baltimore and a member of the board of directors of the Maryland State Colonization Society, wrote to Father McSherry:

I attended at a late meeting of the board, and, without entering into particulars, stated generally that a large Catholic proprietor of slaves was making enquiries, with a view to their emancipation if their physical condition could be considered comfortable in Africa, and provision might be made without restriction for their enjoyment of the ordinances of their religion. I merely hinted that this might prove a good lead to many Catholic slaveholders, who viewed the evil of a slave population precisely as ourselves, but could not consistently send them away from their churches. I was met by

⁸ MSCS, Agent's Book, I, McKenney to O. B. Tyler, January 2, 1835. Record of Emigrants, I. Samuel Wilkeson, *A Concise History of the American Colonies in Liberia* (Washington, 1839), p. 60.

⁹ Other Catholic laymen prominent in the Maryland State Colonization Society included George Brent, John Matthews, William George Read, and Dr. Martin Fenwick. MSCS, Agent's Book, I, McKenney to Henry B. Goodwin, October 20, 1835, to B. J. Fenwick, November 12, 1835. Agent's Book, II, Ira Easter to Elizabeth Chapman, January 30, 1837, to Zachariah Tippet, August 31, 1837, to John M. Roberts, May 21, 1838. John W. Kennard to James Williams, January 21, 1840. George Combs to McKenney, September 8, 1835, May 11, 1836.

a very frank and cordial avowal of many members of the board (no one dissenting) that the Catholic Blacks were emphatically the best part of the coloured population and would make the best settlers, and that every facility would be given.¹⁰

Father McSherry was loath to commit the Maryland Jesuits to a mission in Africa, until he could be assured of an equal number of volunteers for America from the European provinces of his order. The Jesuits served twenty-eight churches in Maryland and the District of Columbia and eight in Pennsylvania, besides staffing Georgetown College and St. John's College in Frederick, Maryland. Since the number of churches alone exceeded the number of priests in the Maryland Province, Father McSherry wanted replacements for the men he would have to take out of existing parishes or the college classroom. As his superior in Rome, the Very Rev. John Roothaan, had no one to send at the moment, Father McSherry took no further steps towards setting up the mission. Brother Joseph Mazzella, S.J., was formally assigned to Liberia in 1834; but he remained at Georgetown, and nothing more was done to make the African mission a reality.¹¹

For six years American Catholics forgot the needs of Liberia. While a number of Catholic laymen continued to be prominent in the colonization movement in Maryland, the Catholic press ignored the subject entirely.

The plans for a Catholic mission in Africa were suddenly revived in 1841. Both Bishop Francis P. Kenrick of Philadelphia and Bishop John Hughes of New York received letters from Rome urging them to send priests to Liberia. The two bishops sought for volunteers among their clergy, while Bishop Kenrick began making arrangements for the missionaries' passage to Africa. On August 16, 1841, Bishop Kenrick wrote to Samuel Wilkeson of the American Colonization Society:

Being informed that several of the emigrants to Liberia profess the Catholic faith, and being persuaded that Catholics would be encouraged to manumit their slaves, were religious aid secured for them in the colony, I am desirous to send one

¹⁰ Woodstock College Archives, Woodstock, Md. Hereafter cited as WA. William George Read to William McSherry, S.J., October 17, 1834.

¹¹ WA, Roothaan to McSherry, December 19, 1833, February 14, 1834, (500-70c, 71a).

or more Catholic Priests to devote themselves to that mission. I take the liberty, therefore, of addressing you as Chairman of the Executive Committee of the American Colonization Society to be instructed in the measures necessary to be adopted to commence this charitable work in accordance with the regulations of the Board.¹²

For one reason or another, Wilkeson failed to reply to Bishop Kenrick's letter. After a month had passed, the bishop asked Father Patrick Kelly of St. Mary's Seminary, Baltimore, to make inquiries regarding the possibility of association with the Maryland State Colonization Society. Father Kelly explained the situation to John H. B. Latrobe, the president of the Maryland society. At a meeting of the board of directors on September 27, 1841, Latrobe presented a strong recommendation of the Catholic project and won a unanimous endorsement from the board. In a letter to Father Kelly, Latrobe explained that the Maryland State Colonization Society had adopted a constitution that guaranteed complete freedom of religion in Maryland-in-Liberia. He continued:

In their relation with Africa the Society is a political government and has looked upon all religious denominations as equally entitled to claim the benefits of the above resolution, being unwilling to do more in their behalf than is promised by its terms, other than to afford them that courtesy and protection which all civilized governments render to strangers within their limits engaged with their consent in the pursuit of commendable objects. Should Bishop Kenrick, therefore, in promotion of the views entertained by the head of your Church see fit to send the missionaries in question to Cape Palmas, the Society will make to them the same grant that has been made to missionaries of other denominations and which is the extent of the aid yet given to any.¹³

Once the Maryland Colonization Society agreed to accept a Catholic mission in its settlement at Cape Palmas and to donate land for the mission compound, both colonization leaders and Church authorities acted in concert to make the mission a success.

¹² American Colonization Society Papers, Library of Congress, Washington, D.C. Hereafter cited as ACS. Bishop Francis P. Kenrick to Samuel Wilkeson, August 16, 1841, (83:168).

¹³ MSCS, Minute Book, III, 126-130.

Dr. James Hall, the Society's executive secretary, believed that the presence of Catholic priests would encourage Negro Catholics to join the colony. On October 2 he wrote to the Rev. John M. Roberts to begin recruiting in St. Mary's County. Roberts had met with little success in neighboring Charles County, and after two weeks in St. Mary's he was forced to report that only four individuals were willing to commit themselves as volunteers, although more than twenty others seemed interested in Liberia. At Dr. Hall's suggestion, Roberts returned to Baltimore to enlist the aid of Archbishop Samuel Eccleston and the clergy of the archdiocese.¹⁴

On October 26, 1841, the archbishop issued a letter addressed to the pastors of the Catholic churches in Prince George's, Charles and St. Mary's counties:

With a painful sense of the spiritual destitution of the Catholic Coloured people who have been or may be sent to the Colony of Cape Palmas in Africa, the Prelates and Clergy generally of this country have long and anxiously desired to afford relief to that portion of the flock of Our Lord. I am happy at being able to inform you that arrangements have at length been made to send two very zealous and able Catholic priests to Cape Palmas. These are the Very Rev. Dr. Barron and the Rev. Mr. Kelly.

The object of this letter, which will be presented by the Rev. Mr. John M. Roberts, travelling agent of the Colonization Society, is to bespeak your cooperation in so good a work, by giving the requisite information and encouragement to such coloured Catholics as may desire and you may deem suited to join the colony.¹⁵

Armed with Archbishop Eccleston's letter Roberts "visited all the Catholic establishments and was very courteously received by all the Clerical gentlemen, who each promised me their cooperation." He wrote from St. Inigoes on November 2nd to inform Dr. Hall that an announcement would be made from the pulpits of all the Catholic churches in St. Mary's County on the following Sunday.

¹⁴*Catholic Herald* (Philadelphia), October 14, 1841. MSCS, Hall to Roberts, October 2, 1841, to Rev. Frederick Tippet, October 19, 1841. Roberts to Hall, September 27, October 13, 1841.

¹⁵ Archbishop Eccleston to "the Pastors of the Several Catholic Congregations," October 26, 1841. MSCS.

He added, "I deem it prudent not to say anything to the Blacks, but let the thing emanate from the priests."

A few days later Roberts reported that he had not met with any further success, but that meetings were being held by free Negroes to discuss the archbishop's letter. He had hopes that a number of parishioners from Cob Neck in Charles County would sail for Liberia, "for there is a very proper priest just returned amongst them who is taking great pains to persuade them."¹⁶

On his first arrival in St. Mary's County, the Rev. John Roberts had obtained the names of four young men as recruits for Liberia. Although he was able to report that, "The Catholic Clergy seem to enter into the recommendation of the Archbishop with great zeal," their joint efforts failed to secure a single additional volunteer in southern Maryland. Evidently the presence of Catholic priests at Cape Palmas did little to remove the antipathy of Negro Catholics to the colonization movement. A Catholic family living near Hagerstown in western Maryland "earnestly solicited" the missionaries to take two small boys with them to Liberia, and a Catholic family on the Eastern Shore expressed interest in the Cape Palmas settlement when told there was a Catholic church there. Otherwise, there is no record of any direct effect of the establishment of the mission as a stimulus to Liberian colonization.¹⁷

While the Colonization Society attempted to recruit settlers for Cape Palmas almost in vain, Bishop Kenrick had more volunteers for the mission than he could afford to send. On the first announcement of the proposed African mission, "a large number" of Philadelphia priests offered their services. The bishop's choice finally narrowed to the Very Rev. Edward Barron, vicar-general of the diocese and pastor of St. Mary's Church, Philadelphia, and the Rev. Michael Gallagher, whose pastoral charge included a number of small congregations in Fayette, Green, and Washington counties. The *Catholic Herald* reported on October 10, 1841:

¹⁶ The Rev. Thomas Lilly, S.J., was pastor at Cob Neck in 1841. MSCS, Roberts to Hall, November 2, November 7, November 9, 1841.

¹⁷ MSCS, Record of Emigrants, D, 21. Roberts to Hall, November 16, 1841. The Rev. Patrick Kelly to Hall, December 2, 1841. Roberts to Hall, April 16, 1845.

We learn with pleasure that measures are in progress for supplying the wants of the Catholic emigrants to Liberia. The State Colonization Society of Maryland has accepted the offer of Bishop Kenrick, who is charged by the Holy See to supply the wants of these destitute children of the Church, and two Catholic priests of this diocese are to sail with the emigrants from the port of Baltimore in this or the ensuing month. We cannot doubt that Catholics generally will feel deeply interested in this apostolic enterprise, and that not only their prayers and good wishes, but the offerings of their charity will accompany the devoted men who have offered themselves for this mission. Several are ambitious to make the sacrifice, but the diocese can ill spare even two of the number.¹⁸

When Bishop Kenrick learned that the Diocese of New York had also been asked to obtain clerical volunteers for the mission and that Bishop Hughes had assigned the Rev. John Kelly of St. John's Church, Albany, to Liberia, he withdrew Father Gallagher from the mission.¹⁹

The bishop had been no less reluctant to permit Father Barron to leave Philadelphia on this arduous assignment, but his vicar-general was anxious to undertake the mission and prevailed over the wishes of his old friend.

Edward Winston Barron was born in Ballyneal, County Waterford, Ireland, in 1801. Unlike so many of his countrymen who came to this country as penniless immigrants, Father Barron belonged to a family of considerable wealth and social prominence. The Ballyneal estate in the parish of Clonea came into the family's possession late in the 17th century, but represented only a small portion of their extensive landholdings in Edward Barron's lifetime. His father, Pierse Barron of Ballydurn and Ballyneal, inherited these estates from his father and by his marriage to Anna Winston, the daughter of Henry Winston of Fethard, County Tipperary, added the Winston lands to the family property. The Barron family owned more than 7,000 acres in Waterford at a slightly later date after a number of holdings had been sold to tenants, so that their position as the most influential Catholic family in County Waterford can be readily understood.

¹⁸ *Catholic Herald* (Philadelphia), October 7, 1841.

¹⁹ *Ibid.*, October 21, 1841.

Edward Barron was descended from one of the most distinguished families in Irish history, the Fitzgeralds, Barons of Burnchurch. They traced their descent from the Norman founder of the family, Maurice Fitzgerald, Baron of Wicklow, through the Barons of Kiltrany. The castle at Burnchurch, County Kilkenny, came into their possession in the 14th century. The Fitzgeralds of Burnchurch used the surname Barron as a distinguishing patronymic at least as early as 1502. It became more common later in the 16th century. After the ruin of the family fortunes in 1653, Captain James Fitzgerald used the name Barron as his only surname and passed it on to his descendants. During his lifetime Burnchurch was used by Cromwell as his headquarters during the siege of Kilkenny and given by the Protector to an officer in his army. Captain Barron left Ireland in 1647 and served under the Prince de Condé in France for some years. On his return, he purchased Ballyneal, Ballydurn and Carrickbaron in County Waterford. These estates were divided between his sons. Ballydurn and Ballyneal were the inheritance of his son Pierse Barron of Garrahilliessh, and he bequeathed them in turn to his son John Barron. On John Barron's death in 1800, his son Pierse Barron, the bishop's father, inherited the property.²⁰

The future bishop was the youngest of Pierse and Anna (Winston) Barron's four sons. His eldest brother, Sir Henry Winston Barron, Bart., represented Waterford in the British Parliament from 1832 to 1841 and was rewarded with a baronetage in that year. Sir Henry Barron fought eleven hotly contested elections in Waterford as a Catholic Unionist at an expense of more than £30,000. In 1846 he defeated Thomas Francis Meagher and was annually reelected to Parliament until 1852. John Barron was an officer in the 17th Light Dragoons and aide-de-camp to the Lord Lieutenant of Ireland. William Newell Barron was a prominent barrister in Dublin and Waterford. Edward Barron had all the social advantages that his father's wealth and his brothers' brilliant careers provided.

²⁰ Stephen Barron, O.Cist., "Distinguished Waterford Families: Barron," *Journal of the Waterford and South-East of Ireland Archeological Society*, XVII (1914), 47-66, 128-152. U.H. Hussey de Burgh, *Landowners of Ireland* (Dublin, 1878).

Edward Barron left Ireland in 1814 to study at Old Hall College, Hertfordshire, England. He returned to his native land in 1817 and studied for a time at Clongowes Wood College under the Jesuit Fathers. He completed his preparatory studies at the Scotch College in Paris, and enrolled at Trinity College, Dublin. Here young Barron read a course of law in order to qualify for admission to the Irish Bar. As a Trinity study, he is described as "addicted to gaiety and pleasure."²¹

The gay round of undergraduate parties and receptions at Leinster House ended abruptly. As Canon Patrick Power relates the incident: "One morning about daybreak, when returning from an all-night party, he accidentally met his old tutor, Father Peter Kenney, S.J., as the latter was on his way to say an early Mass. The meeting led to the young man's conversion and to his resolve to study for the priesthood."²²

In 1825 Edward Barron entered the Urban College of the Propaganda at Rome to begin his studies for the priesthood. At the annual prize-giving in 1826, he won honors in Greek and Hebrew, yielding first prize to the future Cardinal Archbishop of Dublin, Paul Cullen. Another of his classmates and a life-long friend was Michael O'Connor of the Diocese of Cloyne, later the first bishop of Pittsburgh.²³

Edward Barron was ordained in Rome in 1829 and returned to Waterford early in 1830. He was appointed to the faculty of St. John's College in Waterford City as a professor of Hebrew and French. One of his students at the time described him as a man of great zeal and sanctity of life. He was small of stature, slight of frame and of nervous temperament, very frail and delicate in health. He suffered from frequent hemorrhages during his life in the United States and may have been afflicted with tuberculosis at an early age. He was remembered at St. John's as an accomplished scholar, and his personal library was the result of careful purchase on the Continent, full, select, and beautifully bound.

²¹ Patrick Power, *Waterford and Lismores A History of the United Dioceses* (Cork, 1937), p. 318.

²² Patrick Power, "Right Rev. Dr. Barron, Vicar-Apostolic of Guinea and Sierra Leone," *Catholic Record of Waterford and Lismore*, III (1915), 82.

²³ Peadar MacSuibhne, *Paul Cullen and His Contemporaries* (Naas, 1962), I, 359.

In 1837 Father Barron determined to accept the pressing invitations of his friend Father Michael O'Connor and Bishop Francis Kenrick of Philadelphia to take charge of the seminary about to be opened in Philadelphia. Political feeling, which at that time ran high in Waterford, appears to have had much to do with his departure, according to Canon Power. "Father Edward was regarded as identified with the political views of his brother, Sir Henry Barron, and between the latter gentleman and the Bishop there was more than divergence of opinion. The upshot of the unpleasant situation was that Father Edward, a man of very sensitive temperament, left the diocese and sought scope for his apostolic energies in the United States." He went first to Rome and sailed from Italy to the United States.²⁴

On October 21, 1837, Bishop Kenrick recorded in his diary: "Came here from Ireland the Rev. Mr. Edward Barron, from the diocese of Waterford. He is one of a very good family, himself a man of piety, of learning, and other qualities, which mark him out as a man of distinction and character. A short time after this I placed him in charge of the Seminary." On December 3rd, the bishop "made public announcement of the appointment of the Very Rev. Mr. Barron as Vicar General and Pastor of St. Mary's."²⁵

A man of unquestioned piety and learning, whose contemporaries spoke of him in terms of sanctity, Father Barron had a difficult term as administrator of St. Charles Seminary and was soon replaced by the Rev. Michael O'Connor. Barron's gentle and unassuming nature made it difficult for him to suspect others of anything but the highest motives. As Father O'Connor wrote of him in 1839: "Dr. Barron is a most excellent and amiable man, but he is too good and too easily imposed on. . . . To whatever length virtue and amiability will lead a man he will succeed, good intentions will always justify his acts, but where any great discrimination is required to originate anything, or even to follow up what he is advised to by the bishop, he is as likely to fail as to succeed."²⁶

²⁴ Power, "Barron," p. 82.

²⁵ Francis E. Tourscher, O.S.A., ed., *Diary and Visitation Record of the Rt. Rev. Francis P. Kenrick* (Philadelphia, 1920), pp. 154-155.

²⁶ Hugh J. Nolan, *Francis Patrick Kenrick* (Philadelphia, 1948), pp. 253-254.

The choice of Edward Barron to head a pioneering missionary effort may seem strange at first, but the African mission was a mission of martyrs in the 19th century. Protestant missionaries went to Liberia with full knowledge that they might expect a year or two of active ministry before tropical fevers would bring about their death. Self-sacrificing devotion counted more than practical sagacity or administrative ability. Bishop Kenrick chose Father Barron because Liberia demanded a shepherd willing to give his life for his flock.

From the Diocese of New York came a second recruit for the mission. The Rev. John Kelly was born in Trillick, County Tyrone, Ireland, in 1802 and came to the United States in 1825. His younger brother, Eugene Kelly, left Ireland a few years later and made a fortune in this country as a banker. Father Kelly made his seminary studies at Mount St. Mary's College, Emmitsburg, Maryland. In 1828 he entered the novitiate of the Society of Jesus at Frederick, Maryland, but returned to Mount St. Mary's within a few months. He was ordained by Bishop John Dubois for the Diocese of New York in 1833. His first assignment was as assistant pastor at St. Patrick's Cathedral. In 1834 the young priest was given an extensive pastoral charge of his own in northern New York. He visited scattered congregations at Sandy Hill, Saratoga, and other settlements in this part of the state and offered the first Mass in a number of villages that have since become flourishing parishes. In 1837 he was made pastor of St. John's Church in Albany.²⁷

A young man named Dennis Pindar offered his services as a catechist and teacher in the proposed mission school. Father Kelly describes him in his diary as "a pious young layman" and little more is known of him than that he volunteered as America's first lay missionary. He was born in Fermoy, County Cork, Ireland, but we do not know when he came to this country or where he settled. The often repeated statement that he belonged to "a well-situated Baltimore family" is misleading. There is no record of anyone named Pindar in Baltimore in the 1830-1850 period and no reference to Dennis Pindar in the archdiocesan archives.²⁸

²⁷ Henry A. Brann, "Rev. John Kelly," *Historical Records and Studies*, V (1907), 348-353.

²⁸ Bane, *Catholic Pioneers*, p. 120.

The time before their ship sailed for Africa seemed short for the three missionaries. Father Barron wrote to Dr. James Hall of the Colonization Society to ask "the precise day the brig sails for Liberia." He explained that preparations for departure took up all of his available time and he had "no business in Baltimore but what can be arranged in one day."

The Rev. Patrick Kelly of St. Mary's Seminary acted as the missionaries' agent in Baltimore. Their baggage was sent to him for shipment to the docks, while he made arrangements for necessary supplies for the mission. Since Father Barron planned to build a combined residence and chapel, measuring thirty by fifty feet, Father Kelly had to purchase a large quantity of lumber and ready it for shipment. Michael Geary, a Baltimore carpenter, made an altar, windows, and other fittings for the chapel. A Mr. Peterson acted as purchasing agent for food, medicine, and other supplies unavailable in West Africa. Father Kelly estimated that this material would occupy between thirty and forty barrels of freight.²⁹

Catholic parishes throughout the country took up special collections for the support of the first American foreign mission. The parishioners of Sacred Heart Church in Conewago, Pennsylvania, contributed a chalice, missal, and vestments. Father John Kelly's own flock at St. John's Church, Albany, presented him with a chalice and a purse of \$350. Collections in Brooklyn and New York City brought gifts of \$711, while Baltimore Catholics contributed \$265. The largest donations came from the Diocese of Philadelphia, where the offerings of the faithful in Pittsburgh, Lancaster, Reading, Pottsville, Philadelphia, and Wilmington, together with the personal gift of Bishop Kenrick, totaled \$2,400. One prominent Philadelphia Catholic offered to send young mulberry trees to Cape Palmas, so that the mission could support itself by raising silkworms. Other personal gifts of books and religious articles came from the very poorest Catholic families as well as the wealthy.³⁰

²⁹ MSCS, Kelly to Hall, December 2, 1841; Barron to Hall, December 6, 1841. Six Petersons are listed in the *Baltimore City Directory* for 1841 as connected with shipping firms.

³⁰ MSCS, Patrick Mealy to Hall, November 22, 1841. *Catholic Herald* (Philadelphia), November 25, December 2, 30, 1841, January 28, 1842. *Freeman's Journal* (New York), November 20, 1841, December 11, 1841, January 29, 1842.

Dr. James Hall had chartered the little brig *Harriet* of Baltimore for the passage to Africa. In the first week of December loading operations were so far advanced that Dr. Hall wrote to the missionaries to come at once to Baltimore.

On December 9, 1841, Bishop Kenrick recorded in his diary: "That very good man, the V. Rev. Edward Barron, left for Baltimore, expecting to sail from Baltimore the following week for Cape Palmas on the coast of Upper Guinea. The next day the Rev. John Kelly of the diocese of New York followed him on the same mission. May God bless this Apostolic undertaking."³¹

Father Michael O'Connor came from Pittsburgh, "to take a last leave of one I esteemed so much, and to whom I was under so many obligations," and his other clerical and lay friends united in tributes of respect and regret at his departure. "Whether he lives or dies," O'Connor wrote to Paul Cullen, "we can really look to him henceforward in no other light than a great deal more than half a saint. I fear the poor man will hardly stand the climate and toils before him; but his course is clear and the end of it fixed."³²

The Most Rev. Joseph Rosati, C.M., bishop of St. Louis, stayed with Bishop Kenrick for a few days in late November and early December. During his visit, he urged Father Barron to invite Francis Libermann to send the members of his recently-founded religious congregation to Cape Palmas. On a later occasion Bishop Barron was forcibly reminded of this casual suggestion, which proved so important in the history of the Church in Africa.

As a parting gift, Bishop Kenrick contributed \$900. from the Seminary Fund towards the support of the mission.³³

The two missionaries stayed at St. Mary's Seminary in Baltimore while waiting for the *Harriet* to sail. In the interval, Father Barron had an opportunity to meet his fellow passengers and to

³¹ Baltimore Cathedral Archives, Baltimore, Md. Kelly to Eccleston, December 22, 1841, (29N2). Kenrick, *Diary*, 202. The brig *Harriet* was owned by F. W. Brune and Sons of Baltimore. Captain John Champion was her master on this voyage.

³² O'Connor to Paul Cullen, January 10, 1842, *Records of the American Catholic Historical Society*, VII (1896), 347. Hereafter cited as *Records*.

³³ *Freeman's Journal* (New York), January 22, 1842. Francis P. Kenrick to Peter R. Kenrick, January 10, 1842, *The Kenrick-Frenaye Correspondence* (Philadelphia, 1916), p. 140.

discuss the prospects of the mission with Dr. Hall. He learned that the two little boys from Hagerstown could not sail on the appointed day, and reported to Bishop Kenrick that "There are probably Catholics to the number of about ten." There were twenty-four emigrants waiting to sail on the *Harriet*: a family of five manumitted by an Episcopal minister in Virginia and a family of ten freed by Nathaniel Green of Calvert County, Maryland. Harriet Lee and her three children were set free by Charles B. Calvert of Bladensburg, Maryland. The four Wilder brothers from St. Mary's County and Thomas Mills, a Kentuckian, completed the passenger list.³⁴

Father Barron's character and manner impressed Dr. Hall with his sincerity and high purpose. On December 17th Hall wrote to John B. Russwurm, Governor of the Maryland colony at Cape Palmas:

You will notice by a reference to the proceedings of the Board of Managers of the Maryland State Colonization Society that they have tendered the advantages and facilities their colony of Maryland in Liberia might afford for the establishment of the Mission of the Roman Catholic Church; and you will be introduced to the gentlemen who are its conductors and who go out as passengers in the *Harriet*, viz. the Rev. Dr. Barron Vicar General of Pennsylvania and the Rev. Mr. Kelly.

It is the wish of the Board of Managers that you should extend to these gentlemen all advantages and facilities for prosecuting the objects of their mission that have been enjoyed by the other missionaries at Cape Palmas, which from the high standing and the gentlemanly deportment of the conductors will be a pleasure for you to do. I have informed Dr. Barron that you could probably store their various articles of furniture in the public warehouse until they shall be able to erect their own buildings and also that you will be able to aid them in procuring a proper house for their present accommodation.³⁵

Dr. Hall was content to see even twenty-four colonists sail for Liberia. They were the first group that the Society had been able

³⁴ Barron to Kenrick, December 13, 1841, *Records*, XIV (1903), 87. MSCS, Emigrant Book, D, 21. Hall to John B. Russwurm, December 15, 1841. Hall to A. Bateman, September 2, 1842.

³⁵ MSCS, Hall to Russwurm, December 17, 1841.

to recruit for Maryland-in-Liberia since 1839. "Such is the feeling that exists among the colored population of Maryland at this time," he explained to Governor Russwurm, "that the procuring even of this small number has been attended with no small degree of labor. The grounds taken by the professed friends of the colored in the northern states adverse to colonization have been widely spread among all classes in Maryland."³⁶

Besides the opposition of Negro and white abolitionists, and the criticism of Maryland slaveholders who saw colonization as a complete failure so far as attracting free Negroes to Africa was concerned, Hall now found former friends turning against him because of his assistance to the Catholic missionaries. Long-standing differences between Governor Russwurm and certain Protestant missionaries at Cape Palmas left a residue of bitterness and mutual recriminations when several mission stations were removed beyond the boundaries of the Maryland colony. When it was learned that a Catholic mission would take their place at Cape Palmas, Hall was assailed as an ally of infidelity and Romanism.³⁷ He replied sharply to one prominent critic, the Rev. John B. Pinney of the New York Colonization Society:

Your allusion to the operations of the Society being made allies to Infidelity are not understood. Those with regard to Romanism probably refer to the establishment of the Roman Catholic Mission at Cape Palmas. This was done under the liberal and fair policy of a board wholly Protestant, which by its former Resolutions made public had offered equal inducements to Christian missionaries of all denominations to labor within the limits and in the vicinity of the colony. If this measure is in any degree the cause of the excitement under which you write, if your object has been to proselytize rather than

³⁶ *Ibid.*, Hall to Russwurm, December 15, 1841.

³⁷ The Maryland State Colonization Society was condemned at the Maryland Slaveholders' Convention held at Annapolis in January 1842, *Baltimore Sun*, January 13, 1842. *Maryland Colonization Journal*, I (1841-42), 114. On the missionary problems, see *Missionary Herald*, XXX-VIII (1842), 425ff. Mrs. E. F. Henning, *History of the African Mission of the Protestant Episcopal Church* (New York, 1850), p. 55. John L. Wilson, *West Africa* (New York, 1856), p. 501. Among the extensive archival material, the most important single item is the letter of Orin Canfield to Walter Lowrie, September 14, 1841 (Presbyterian Historical Society, Philadelphia, Pa., *Foreign Mission Letters, Africa*, 61:256) enclosing statements by other Protestant missionaries.

christianize the Native African, then perhaps it is not to be hoped or expected that you would advocate colonization as prosecuted by the State of Maryland.³⁸

The criticism of the *Southern Churchman*, a religious weekly published by the Protestant Episcopal Seminary at Alexandria, Virginia, stung Dr. Hall into further action. He sent a lengthy reply to the editor for publication and printed it in his own *Maryland Colonization Journal* and the *African Repository*, a journal published by the American Colonization Society. One paragraph of the letter explains his position:

It may not be improper to remark that the Maryland State Colonization Society never assumed to itself the appellation Protestant. It is not a Protestant nor a religious Society, but as its name implies a "State Colonization Society," whose single object and purpose is to transport the free coloured people and manumitted slaves of the State of Maryland to Africa and to support them there until they shall be capable of supporting themselves. Its funds are mainly derived from the State Treasury and of course a just proportion is furnished by the Roman Catholics who I believe are second to few other sects in numbers in the State, and in wealth and respectability to none. The officers of the Society are elected without regard to sects or opinions, although it happens that at the present time not one Roman Catholic is embraced in the number, yet many are patrons and friends of the cause both in this city and in the counties. But independent of the obligations which the Board of Managers lay under from the Resolution to grant free liberty for the establishment of the Roman Catholic Mission at Cape Palmas, they would undoubtedly have been led to have pursued the same course and gladly have assented to the proposition of the Roman Catholic missionaries from the fact that a large portion of the coloured population, both slave and free, in the lower counties on the western shore are Catholics and would not voluntarily deprive themselves of the privileges of worship in their own Church.³⁹

Unaware of the storm of criticism raised by their intended mission, Fathers Barron and Kelly and Dennis Pindar prepared

³⁸ MSCS, Hall to Pinney, January 18, 1842. ACS, Pinney to James McLain, January 8, 1842, 85:20.

³⁹ MSCS, Hall to *Southern Churchman*, August 9, 1842. *Southern Churchman*, August 5, 1842. Criticism of Hall by the Rev. Joseph Tracy in *African Repository*, XIX (1842), 372-373. Hall's reply in *Maryland Colonization Journal*, I (1841-42), 242.

to leave Baltimore for Cape Palmas. The *Harriet* was cleared through customs on December 20, but adverse winds made it impossible to leave Baltimore harbor. Captain Champion anchored off Fell's Point and permitted the three missionaries to go ashore while he awaited a more favorable breeze. They spent their last hours in America as the guests of Father Nicholas Kearney, pastor of St. Patrick's Church, Fell's Point. Early the next morning, the wind veered around to the north-east and the captain sent a boy to St. Patrick's to fetch the three passengers. "Dr. Barron was saying Mass when the Messenger called, after which he had to start without breakfast."⁴⁰

As the little brig sailed down Chesapeake Bay, Father Barron wrote a last letter to the Rev. John Dunn of St. Mary's Church, Philadelphia, and his former parishioners:

At eight o'clock this morning we embarked on the brig *Harriet*. The crew consists only of eight—Captain Champion, mate, steward, cook and five sailors. . . . Though it is intensely cold, we dare not have a fire in the cabin, the run being filled with gunpowder. However, whilst the eye lingers, perhaps for the last time, upon the shores of our country, a lively feeling of gratitude and charity impels us to thank the kind friends of our mission. Heaven will surely reward them, and bless, we trust, this, the first mission in which the young Churches of our Republic have engaged.⁴¹

The long voyage to Liberia passed without incident. "On the 34th day we made land," Father Barron wrote, "that is, we came in view of Africa at 10 o'clock on the morning of the 24th of January, the place was Cape Mount, an elevation somewhat resembling one of the noble hills of the Highlands, on the Hudson," Two days later, the *Harriet* anchored at Monrovia, the capital of Liberia, and the weary passengers welcomed the opportunity to go on shore. Since they had no friends or acquaintances in the town, they were unable to offer Mass in Monrovia. During their short stay, they did make the acquaintance of Hilary Teage, a Negro

⁴⁰ BCA, Patrick Kelly to Eccleston, December 22, 1841, (29N2). Baltimore *American*, December 22, 1841. *Freeman's Journal* (New York), January 29, 1842.

⁴¹ Barron to Dunn, December 21, 1841, *Catholic Herald* (Philadelphia), January 28, 1842. Francis P. Kenrick to Peter R. Kenrick, December 21, 1841, *Kenrick-Frenaye*, p. 137.

Baptist missionary and the editor of the *Liberia Herald*. Teage described their meeting in the next issue of his paper :

We had the honour of an interview with the Reverend gentlemen. They manifested no little ardour and zeal in the business which has induced them to abandon the comforts of home to labor in this barren field. Mr. Kelly, especially, was very communicative, and conversed freely on many subjects. He adverted at once to the deplorable state of the world, and attributed all the distractions and divisions among Christians to the want of one common head, or rather a general and final tribunal of appeal, such as the Church had when Popery was at its zenith. From education, principle and our firm conviction of the fallibility of the best of men, we were compelled to dissent from him. We, however, wish them success in all that is good.

On the 31st of January the three missionaries reached their goal, the Maryland colony at Cape Palmas. The little town of Harper, they noted, straggled along a single street and was surrounded on all sides by the small farms of the colonists. These farms, in turn, were hemmed in by stately palm trees and thick underbrush. There were none of the mangrove swamps that ring Monrovia, however, and the massive headland of Cape Palmas had a healthy appearance. "It was Sunday afternoon," when the *Harriet* dropped anchor, "the green and beautiful summit of the Cape was crowded with spectators, the weather resembling that of yours in August." Soon the missionaries noticed "crowds of natives approaching in their canoes from all directions." These boatmen, members of the sea-faring Kroo Tribe, brought the new arrivals to the shore, where Governor Russwurm and the entire population of Cape Palmas were assembled to greet them.⁴²

On February 1, 1842, Edward Barron offered Mass in the home of Dr. Samuel Ford McGill at Cape Palmas. This was the first time that Mass was celebrated in Liberia or anywhere on the Guinea coast since the 17th-century Jesuit missions in Benin and the Congo. On the following morning, the feast of the Presentation, both priests offered Mass at the home of George R. McGill.⁴³

⁴² MSCS, Russwurm to Hall, February 12, 1842; Barron to Dunn, February 10, 1842. *Catholic Herald* (Philadelphia), June 16, 1842. *Liberia Herald* (Monrovia), February 29, 1842.

⁴³ Kelly, Diary, *Historical Records and Studies*, XIV (1920), 122.

On February 6, Quinquagesima Sunday, the first public Mass in the colony was celebrated in the stone school-house at Harper. Governor Russwurm and Governor John J. Roberts of Monrovia, "with a number of Protestant colonists and pagan natives, together with a dozen of Catholics attended."

The Rev. Robert Sawyer, a Presbyterian missionary among the Kroo people, reported: "Dr. Barron of Philadelphia, Priest Kelly of Baltimore and a Layman, Cath. Missionaries, arrived 29th Jan. They brought Planks for a house, an Organ, &c. The Governor and 40 or 50 of his subjects, with about the same number of natives, attended last Sabbath in the Public School House whilst they celebrated Mass and Preached and it is said they made in the single attempt 11 converts of the Colonists."⁴⁴

Father Barron preached a three-day retreat for the Catholics in preparation for Lent, ending on February 9. That same afternoon, the two priests, with their catechist, Governor Russwurm, and other local dignitaries, went to King Freeman's town at the north-eastern tip of Cape Palmas. A cross-bearer led the procession and the two priests were vested in stole and surplice.

A large assembly of his chiefs and people were met in council to receive us. The Governor and principal officers of the colony attended. The Rev. Dr. Barron addressed the King and his people on the nature and importance of our mission. All heard us apparently with great attention. Our interpreter was an educated man of the Grebo or King's people. The King and his chiefs engaged to hear us again next week. They have invited us to set down amongst them.

On February 13 the missionaries again returned to King Freeman's town and Dr. Barron preached on the "End of man's creation." Father Kelly noted in his diary that "Numbers of head men, young men and boys, daily visit the missionaries, the latter exhibited pictures of the most important events and facts of the gospel."

George R. McGill was lieutenant-governor of Maryland-in-Liberia. Samuel Ford McGill received his M.D. from Dartmouth in 1838 and served as colonial physician. The two Brothers were originally from Baltimore and, like their brother-in-law Governor Russwurm, communicants of the Protestant Episcopal Church. See *African Repository*, XIV (1838), 360.

⁴⁴ Kelly, Diary, 123. Robert J. Sawyer to Walter Lowrie, February 8, 1842. Presbyterian Historical Society, Philadelphia, Foreign Mission Letters, 61:278, (hereafter PrHS).

While the Grebos flocked to hear their sermons and discussions, Kelly noticed that they laughed at certain Christian doctrines, "as is their custom when hearing anything strange or hard to credit."⁴⁵

With the mission scarcely begun, Father Barron came down with the fever on February 15. Governor Russwurm visited him regularly in his illness. The Governor arranged for him to stay with Dr. McGill and sent Dr. Fletcher, a young Dartmouth graduate, to attend him.

Governor Russwurm rode out with Father Kelly to view a tract of land that the governor thought most suitable for a mission station and showed the Catholic missionaries every kindness. An Episcopalian himself, Russwurm regularly attended the Mass offered each Sunday in the public school. The Rev. Orin Canfield of the Presbyterian mission at Settra Kroo wrote that the two priests "are introduced by the Governor as *his* missionaries. . . . Those high in authority are hanging at their skirts and it will not surprise me in the least if all these colonists become Papists."⁴⁶

In a letter to the president of the Colonization Society written two weeks after Fathers Barron and Kelly arrived in Liberia, Russwurm reported: "Up to this date the Catholic missionaries and the emigrants are up and doing. The former are, I believe, well pleased with the reception they have met with from natives and colonists, and are encouraged to go forward in their labors." Some months later the governor declared that the Catholic missionaries "bid fair to be an acquisition to all. We wish them success in their labors, and hope they will never be the thorn in our side which others have proved."⁴⁷

While Barron was confined to his bed by the acclimating fever,

⁴⁵ Kelly, Diary, 125. *Catholic Herald*, June 11, 1842.

⁴⁶ Canfield to Walter Lowrie, February 8, 1842. PrHS 61:279.

⁴⁷ MSCS, Russwurm to John H. B. Latrobe, February 12, 1842; Russwurm to Latrobe, May 24, 1842. John Brown Russwurm was born in Jamaica, B.W.I., in 1799. His father was a sea captain from North Yarmouth, Maine, while his mother was a Jamaican of African ancestry. He was graduated from Bowdoin College in 1826 and edited a weekly newspaper, *Freedom's Journal*, in New York City from 1827 to 1829. He went to Liberia in 1830 to accept a post as superintendent of schools and established the colony's first newspaper, the *Liberia Herald*. In 1833 he married Sarah Elizabeth McGill. Russwurm succeeded Dr. James Hall as Governor of Maryland-in-Liberia in 1836 and held that post until his death in 1851.

his confrères were at work among the Grebos. On February 21 Father Kelly obtained King Freeman's permission to open a school in his village. Governor Russwurm increased the property granted to the mission by the Colonization Society and the missionaries began their preparations to erect a chapel on the land. In the interim, they continued the schedule of Mass at the schoolhouse on Sunday morning for the colonists and instructions at the Grebo village in the afternoon.

By March 7 Father Barron was sufficiently recovered to offer Mass in his room at Dr. McGill's house. Four days later Father Kelly was stricken with the fever, but his attack was mild and he was on his feet after a week. Writing to a friend in New York, Kelly described his activities at the end of March:

We are learning the Grebo language and erecting our mission buildings. Daily our time is much engaged with the natives; the visits of their king, old men, young men and chiefs are incessant. They fill our little house often, which makes the heat intolerable. They gaze and wonder what could bring us from a far distant country, since we came not, as they say, *for trade side*. For four or five weeks past they quit working on their rice farms on Sundays. Crowds of them attended our conferences; we addressed them through an interpreter. Curiosity subsiding they are gradually returning to labour on the Lord's day, yet we still feel much encouraged.⁴⁸

With the mission now fairly begun, Father Barron decided to return to the United States to recruit additional laborers for the vineyard. On April 7 Governor Russwurm wrote: "Rev. Dr. Barron returns by this vessel. They seem pleased with the colony. I have granted them nine lots in East Harper, near the Fair Hope mission." The following day Father Barron sailed in the American schooner *Herald*, bound for Providence, Rhode Island.⁴⁹

Edward Barron left the United States to found a mission at Cape Palmas in the colony of Maryland-in-Liberia. While he was still on his way to Africa, Archbishop Ignazio Cadolini, secretary of the Sacred Congregation of the Propaganda, wrote to announce

⁴⁸ Kelly to M. McDonough, March 23, 1842, *Freeman's Journal* (New York), June 11, 1842. Kelly, Diary, 127-131. *Maryland Colonization Journal*, I (1841-42), 203.

⁴⁹ MSCS, Russwurm to Latrobe, April 7, 1842. *Liberia Herald* (Monrovia), April 29, 1842.

his elevation to the episcopate and his appointment as prefect apostolic of Upper Guinea. "As your new mission will need great resources," the archbishop continued, "I have written to the President of the Society for the Propagation of the Faith at Lyons to help you in your need. The Sacred Congregation is confident you will be able to receive some suitable priests from the College which a pious priest has founded in Ireland to prepare young men for the foreign missions. Meanwhile, I have asked the Bishop of Philadelphia to send some priests to your mission, if possible." On the receipt of this letter, Father Barron was to discover that his pastoral charge had been increased from a handful of expatriate Marylanders to embrace the inhabitants of Africa from Liberia to Angola.⁵⁰

When he arrived in Boston, where the *Herald* apparently docked, Barron was able to see in a recent newspaper that "The Holy See extended the jurisdiction of the Prefect Apostolic of Upper Guinea to Sierra Leone, and the whole western coast of Africa, not already placed under the care of other Ecclesiastical authority."⁵¹

Bishop Benedict Fenwick was away on a visitation of his diocese when Barron arrived in Boston, but the Rev. Adolphus Williamson, pastor of the cathedral, showed him every courtesy and advanced him money for the purchase of goods needed in Liberia. Through Father Williamson, Bishop Barron shipped a large quantity of supplies and additional lumber to Cape Palmas. The material was purchased from a Mr. Kennedy.

The bishop proceeded at once to Philadelphia to consult with Bishop Kenrick. He arrived in that city on June 3. Kenrick found his old friend in good health but was unable to enjoy his company very long. "On the 14th of June he left again for France, intending to engage a missionary society in the same work which he has undertaken."⁵²

⁵⁰ Bane, *Catholic Pioneers*, pp. 119-120. See Henry J. Koren, C. S. Sp., *The Spiritans* (Pittsburgh, 1958), p. 79.

⁵¹ *Catholic Herald* (Philadelphia), April 14, 1842.

⁵² Kenrick, *Diary*, 205. *Catholic Herald* (Philadelphia), June 9, 1842; *Freeman's Journal* (New York), June 25, 1842. O'Connor to Cullen, June 17, 1842, *Records*, VII (1896), 352; John Frenaye to Kenrick, July 21, 1842, *Kenrick-Frenaye*, p. 39. The diary of Bishop Benedict J. Fenwick (archives of the archdiocese of Boston) does not mention Bishop Barron.

Bishop Kenrick wrote some weeks later to his brother about Bishop Barron's visit :

He is thinking, following my counsel, of going to France in order to entrust the work which he has undertaken to the care of some missionary society ; for he thinks that it will be particularly necessary to have the help of Lay Brothers in the work. If he is successful, perhaps he may remain with us. I do not think that the life of this excellent man should be rashly exposed again to peril among wild men, with almost no hope for results.

Bishop Kenrick noted that the Rev. Patrick Reilly of the Diocese of Philadelphia had again offered to join the Liberia mission, but "I think it well to await the outcome of the Prefect's mission."⁵³

Soon after Bishop Barron's departure for Europe, Bishop Kenrick received word that the Society for the Propagation of the Faith would assist the African mission with a liberal subsidy. The Diocese of Philadelphia had already contributed a thousand dollars to the support of the missionaries and was indebted in their name for several hundred dollars in addition. J. Choiselat Gallien, the secretary of the Lyons Society, wrote to Bishop Kenrick "to acknowledge the help which your Lordship has freely given to the Mission of Liberia by retrenching on your own resources" and to announce "that the Association has taken upon itself the care of the new mission, for the support of which it has allowed this year quite a considerable subsidy." The funds would be paid to Bishop Kenrick as Bishop Barron's agent and would amount to 15,960 francs. Late in August, the Bishop of Philadelphia learned that Barron had been in Lyons in July and had discussed the mission's finances with M. Choiselat.⁵⁴

From Lyons Bishop Barron went directly to Rome. There he learned that a number of Spanish Capuchins, driven from their homeland into an uncertain exile, might be willing to begin again the African missions that were once the glory of their order. In August 1842 Barron discussed his mission with Father Firminus,

⁵³ Francis P. Kenrick to Peter R. Kenrick, July 20, 1842, *Kenrick-Frenaye*, pp. 149-151.

⁵⁴ Frenaye to Kenrick, July 5, 1842, *Kenrick-Frenaye*, p. 35. J. Choiselat Gallien to Kenrick, July 5, 1842, *ibid.*, p. 115. A. de Jerres to Kenrick, July 11, 1842, *ibid.*, p. 117. Frenaye to Kenrick, August—, 1842, *ibid.*, p. 45.

the apostolic commissary of the Capuchins in Rome, and obtained a promise of eight volunteers for the mission. In September he wrote to Bishop Kenrick that "He was going to Ireland to collect money, intending to go thence, in the month of December, to Gibraltar, thence with eight Spanish Capuchins to return to Liberia."⁵⁵

Bishop Barron was compelled to remain at Rome for many weeks, as the date of his consecration was set for November 1, 1842. During this period of waiting, he was the guest of the Very Rev. Tobias Kirby at the Irish College. These were scarcely days of idleness, since he secured additional recruits for the mission and made arrangements for their transportation and the purchase of everything needed for their subsistence in West Africa.

On September 28, 1842, his appointment as vicar apostolic of the Two Guineas and Sierra Leone was made official. A letter written from the Irish College at Rome in November 1842 and later published in the Irish and American Catholic newspapers described the events:

We had Dr. Barron, brother of Sir Henry Winston Barron, Bart., of Waterford, with us for several months past. He came on the subject of his poor African Mission, on the coast of Guinea, to which he has consecrated himself and everything he has in the world. . . . He is taking with him about twelve Capuchin friars, whom he got in Rome, some young priests from Ireland, and also a few good zealous laymen, with some looms, ploughs, and a mill, and other instruments to teach the poor creatures some of the useful arts of life. *That is doing business.*

He was appointed bishop before his departure from Rome and consecrated in the church of St. Agatha on the morning of All Saints' Day. All the students assisted. His Eminence Cardinal Frasoni, Prefect of the Propaganda, and the Protector of our College, was the consecrating bishop, and was assisted by the Archbishop of Edessa, [Ignazio Cadolini, secretary of the Propaganda] and the Bishop of St. Louis, in America [Joseph Rosati, C.M.]. The singing, ceremonies, &c. were all performed by the students. . . . After the ceremony of consecration, His Eminence, the new Bishop, and other assistant prelates, took breakfast in the College with us. The

⁵⁵ Frenaye to Kenrick, August 25, 1842, *ibid.*, p. 50; F. P. Kenrick to P. R. Kenrick, November 8, 1842, *ibid.*, p. 157.

good Dr. Barron set out on his way to Ireland about ten days ago.⁵⁶

The new bishop left Rome a few days after his consecration and went as a pilgrim to Loretto. On November 20 he arrived in Florence, where he had planned to meet his brother, but learned instead that Sir Henry had already left the city. Since a large part of Bishop Barron's letter to Dr. Kirby is taken up with criticism of his older brother's "good, practical" Catholicism, the latter's sudden change of schedule is at least understandable. The baronet had permitted his daughter Emily to be raised as a Protestant in order to obtain a legacy from her grandfather, Sir Gregory Turner, Bart. Bishop Barron was equally worried about his nephew, Henry Page Barron, a boy of seventeen at the time, who was beginning his Foreign Office career in the British legation at Turin.

Bishop Barron was always gentlemanly in his manner and deportment, but he never glossed over what he believed was morally wrong in the name of tact. In the same letter, he mentioned that, while dining with Cardinal Castracane, he noticed three Catholics eating meat on a day of abstinence. "I did not disguise my sentiments, and two of them begged my pardon on the following day."⁵⁷

From Italy Bishop Barron went directly to Lyons. He was grateful for the financial aid his Liberian mission had already received from the Propagation of the Faith, but the sum of \$2,500 intended to support three missionaries at Cape Palmas "would be quite insufficient for my missionaries even for travelling expenses, to say nothing of provisions, nothing of furniture, of house, of clothes, a boat, a horse, a cow, instruments of culture, of trade, freight, &c. and support for months after arrival."⁵⁸

The concept of a mission as an agent of civilization through primary and manual-training schools was not original with Bishop Barron. In June 1840 the Society for the Extinction of the Slave Trade and Civilisation of Africa was founded in London. The

⁵⁶ *Freeman's Journal* (New York), February 4, 1843. The letter, as published, is unsigned and undated.

⁵⁷ Barron to Tobias Kirby, November 23, 1842, *Records*, VIII (1897), 478.

⁵⁸ Barron to Kirby, December 7, 1842, *Records*, VII, (1896), 369.

British Niger expedition of 1841 was to have established missions based on "the Bible and the plow," but ended disastrously with the death of nearly all the English agricultural experts and mission personnel. The Anglican Church Missionary Society was more successful in establishing a mission with an experimental farm and flour mill at Badagry three years later and the Fourah Bay Institute at Freetown, Sierra Leone, for the education of "liberated Africans" and others.⁵⁹

Bishop Barron's missionary methods were as advanced for the time as the latest theory of missiology would be today. He was convinced of the need of laymen on the mission and of the value of manual training and cooperative labor long before these ideas were widespread among missionary leaders of any denomination. From letters of Bishop Kenrick, moreover, it is evident that he had adopted this plan on his own initiative before he left the United States in 1842.⁶⁰

These methods had a much better chance of success in Liberia than they did in the then inaccessible upper reaches of the Niger. The existing missions had confined themselves to establishing primary schools among the Grebo and Kroo peoples, however, and in nearly every case these "schools" consisted of five or six children boarded at the mission compound. The high mortality among the American missionaries and the frequent clashes between the natives and the colonists made even these educational efforts at best sporadic. The need for a manual-training school among the colonists was a frequent theme of Governor Russwurm's letters to his associates in Baltimore at a slightly later date, so that a school of this type would have been most welcome at Cape Palmas.

⁵⁹ K. Onwuka Dike, *Origins of the Niger Mission 1841-1891* (Ibadan, Nigeria, 1962), pp. 5-6. Michael Crowder, *A Short History of Nigeria* (New York, 1962), p. 128. The contemporary literature is extensive. The Methodists opened the White Plains Manual Labor School at Millsburg, Liberia, in 1837, but it was short-lived; *African Repository*, XIII (1837), 283. The American Society for the Promotion of Education in Africa was organized in New York the same year, chiefly for the support of an Episcopalian school; *Ibid.*, 283, 316. The institution in question did not begin its operations until 1849. MSCS, Bishop Payne to Hall, November 22, 1848. The introduction of native Africans led to the closing of a Presbyterian school. PrHS, the Rev. James Eden to Lowrie, March 22, 1846, 62:300. On the failure of mission schools, see *African Repository*, X (1834), 89; Hening, *History*, p. 222.

⁶⁰ F. P. Kenrick to P. R. Kenrick, July 20, 1842, *Kenrick-Frenaye*, pp. 149-151.

The uncertain economy of the Maryland colony raised an obstacle to modern missionary methods among their neighbors. Only a handful of Liberians, chiefly salaried officials, had the requisite capital to engage in trade. The rest of the colonists were subsistence farmers and petty agricultural traders, whose small incomes depended on occasional government employment. Any concerted effort to raise the standards of their tribal neighbors would have brought them into economic competition with the colony. Consequently, most Protestant missionaries agreed that the colonists resented their work among the Grebos and Kroos. Thus, Bishop Barron's methods had never been tried in Liberia.⁶¹

Whether the Catholic mission would succeed in introducing them there depended on a number of factors outside Bishop Barron's control. While he was recruiting men and raising money in Europe, Father Kelly and Dennis Pindar were busy with the construction of mission buildings. Instead of a small building intended as a combined chapel and residence, their plans now called for one "which will suit twenty religious, with as many scholars and seminarians." Governor Russwurm was pleased to report that "With the employment given by Rev. J. Kelly of the R. Catholic Mission (who has been most liberal in paying his laborers), the Prot. Episcopal, the Methodist & your Agent, there need not be an idler in the colony & consequently no hungry ones."⁶²

Father Kelly continued to enjoy the governor's special favor. In September 1842 Russwurm had another clash with the Presbyterian missionaries. The governor's insistence that the missionaries pay import duties and enroll their employees in the colonial militia were long-standing grievances and indications that the mission personnel were unwilling to consider themselves subject to the laws of the colony. "For this line of conduct the Government can assign but one cause, *bitter prejudice*, which as Christian missionaries should be laid aside for the time being, at least, while they

⁶¹ MSCS, Jacob Gross *et al.* to Latrobe, October 24, 1844. PrHS, Resolution of the Missionaries of the Protestant Episcopal, American, & Presbyterian Boards, September 3, 1841, 61:87. Canfield to Lowrie, May 31, 1841, (61:237). Armistead Miller to Lowrie, September 3, 1841, (61:252). Hening, *History*, p. 55.

⁶² Kelly to Kenrick, February 8, 1843, *Records*, XIV (1903), 90. MSCS, Russwurm to Hall, February 20, 1843.

continue in the black man's country." When the Presbyterians appealed to Captain Ramsey of the U.S.S. *Vandalia* to punish native pilferers, without even notifying the governor, Russwurm was justifiably angry.

The other missionaries at Cape Palmas brought their grievances to Captain Ramsey and sought redress from him, but Father Kelly made no move in this direction. As he was the only one of the missionaries who did not appeal to the higher tribunal of an American warship, his position as the governor's special friend was visibly strengthened. Russwurm asked him to send a report on the incident to the Colonization Society and continued to speak of the Catholic mission in the highest terms in his own letters to Baltimore. The fact remained that any action which might be construed as contempt for the duly-constituted authorities would bring the Catholic mission into the same difficulties that caused the Presbyterian, Protestant Episcopal, and American Board missionaries to abandon Cape Palmas.⁶³

Apart from Father Kelly's published diary, which breaks off abruptly at an early stage of the mission, it is difficult to find any contemporary estimate of its spiritual effect at Cape Palmas. Instructions in the Grebo language, through the interpreter William Davis, continued to be given, but none of the inquirers was apparently a candidate for baptism as yet. The Catholic colonists varied in fervor as much as Catholics anywhere. Philip Brooke, a carpenter from "Sotterley" plantation, near Leonardtown, Maryland, was one of the most devout, but others were quite irregular in their attendance at Mass. A Methodist missionary reported that the Grebos liked to walk in processions and were rewarded with medals and pictures. The Rev. Launcelot Minor of the Protestant Episcopal mission noted in his diary on August 15, 1842, that "a troublesome fellow" demanded a present for attending his service and "went on to say that Mr. Payne [later Episcopal Bishop of Liberia] and the new God-men (Romanists) paid people

⁶³ MSCS, Russwurm to Hall, September 26, 1842. Kelly to Russwurm, October 5, 1842. The MSCS papers include a separate category, *Vandalia Correspondence*. The quotation is from Russwurm to William Ramsey, U.S.N., September 26, 1842, in this collection. On the intentional disregard for the Liberian authorities by the foreign mission societies, see the Rev. Joseph Tracy to the Rev. Ralph R. Gurley, September 7, 1842, ACS 87:89.

to keep Sunday." If many of the Grebos had only a superficial interest in the mission, there is general agreement that the Catholic missionaries maintained the best relations with the native population.⁶⁴

Faced with his own problems of recruitment and financial support for the young mission, Bishop Barron made changes in his plans during his stay at Lyons. At first he proposed to go to Cape Palmas immediately with his Irish missionaries and have the Capuchins follow at a later date. His disappointment with the expected subsidy from the Propagation of the Faith made it impossible to support so large a number at the mission. The bishop relied chiefly on the Capuchins to supply men for Africa. "I believe the perpetuity of that Mission depends on them, on the Spanish nation, and particularly on a religious body such as the Spanish Capuchins."

Still not despairing of financial aid elsewhere, Bishop Barron decided to go on to Ireland and "send to Cape Palmas the two or three priests prepared by Rev. Mr. Foley for our Mission, and with them the three or four mechanicks who have offered for the same mission. But this depends on their willingness to go forward without me."⁶⁵

Bishop Barron went from Lyons to Paris and made a second appeal to the Propagation of the Faith. He was rewarded with an assurance of more than \$10,000 for his missionaries. His personal poverty was so great that he did not have sufficient funds to pay his hotel bill and told Dr. Kirby that he had only twelve francs in his possession, so that he desperately needed the money from the Association.

The bishop had a second motive in visiting Paris. Both Bishop Kenrick and Bishop Rosati had urged him to ask the Congregation of the Immaculate Heart of Mary to send missionaries to West Africa. According to the traditional account, Barron went to the Shrine of Our Lady of Victory in Paris to offer Mass. He explained his need for priests willing to volunteer for Africa to the

⁶⁴ William Hoyt, *Land of Hope: Reminiscences of Cape Palmas and Liberia* (Boston, 1852), p. 176. Hening, *History*, p. 187.

⁶⁵ Barron to Kirby, December 7, 1842, *Records*, VII (1896), 369; Barron to Kirby, December 12, 1842, *ibid.*, 370; *Freeman's Journal* (New York), February 4, 1843.

director of the shrine. After the bishop had celebrated Mass, this priest recalled that the Ven. Francis Libermann had sought his counsel regarding a possible apostolate for his young congregation and suggested to Barron that he contact Father Libermann. Whether this incident recalled the earlier suggestions to the bishop's mind, his letters indicate that he sought out Libermann on Bishop Kenrick's recommendation.

Bishop Barron was deeply impressed by the fervor and devotion of the congregation and reported that they "do wonders in France." He added that, "I have consecrated myself, missionaries, mission, family to the Immaculate Heart of Mary. On Sunday I assisted at the Church of the same Association."⁶⁶

From this moment, the future of the mission seemed brighter. Libermann promised to send some of his disciples to Africa and the Society for the Propagation of the Faith granted him 54,000 francs for the support of the mission. Barron requested Archbishop Cadolini to send the five Spanish Capuchins to Bordeaux as soon as possible, where they would join the volunteers for the mission from the Congregation of the Immaculate Heart of Mary. He asked the Capuchin superior "to procure every article requisite for establishing a school, such as for spelling, reading, writing, arithmetic and such matters, all for the Spanish language which is spoken on many parts of the coast." He urged Dr. Kirby to obtain fruit and vegetable seeds for his experimental farm. With five Capuchins and five priests of the Immaculate Heart Missionaries, besides those who had volunteered in Ireland, the African mission would be on a sound footing.

Bishop Barron left Paris for Dublin just before Christmas 1842. He remained in Ireland for three weeks and then went to London to make further arrangements for his mission. In Dublin he learned from an experienced African trader that it would be less expensive to buy necessities from traders on the coast than to transport every needed article from Europe. The same informant urged him "to commence a mission at Dutch Accra [Ghana], there being a great number of so-called Portuguese Christians. His opinion of Sierra Leone is not so unfavourable. The Wesleyans and other sects have

⁶⁶ Barron to Kirby, December 20, 1842, *Records*, VIII (1897), 479.

all in their hands. South of Palmas the Xtians (i.e., Roman Catholics) are in great numbers."⁶⁷

Barron's high connections stood him in good stead in his endeavors for his mission. Lord Stanley of the Colonial Office sent letters to all the British governors and consuls in Africa, requesting them to assist him in any way that he required. J. Talbot, member of Parliament for New Ross, obtained data on West Africa for the bishop from the Royal Navy.

Dr. Madden, a Catholic physician with the British army in West Africa, strongly urged Barron "not to sail at this time of year, otherwise, he says, we sacrifice our lives and the prospects of the Catholic Mission." Father Kelly was in daily expectation of the bishop's arrival in February 1843 and surmised that his intention "of calling at Gibraltar and Sierra Leone has probably occasioned his regretted delay." Following Dr. Madden's advice, Bishop Barron decided to delay his departure for another six months or until after the rainy season in the tropics. He asked Dr. Kirby to inform the Capuchins of his change in plan, but was concerned as to how they would be supported in the interim.⁶⁸

The original plans for the mission, as expressed by Bishop Barron in the winter of 1842-43, called for the establishment of stations within British and American territory. Besides the central mission house at Cape Palmas in the Maryland colony, he had selected Grand Cape Mount in Liberia proper as the site for a second mission. This had been the headquarters of Captain Theodore Canot, a Catholic from Florence, Italy, who had until very recently been one of the principal slavers on the Guinea coast. Sierra Leone and Accra, the one a British colony, the other under strong British influence, offered probable sites for future expansion.

The French had been active at Goree and along the Senegal for a number of years and established several small trading posts along that river, but France had shown little interest in Africa until 1842. Prince de Joinville paid a visit of state to Monrovia on January 15, 1843, while on a cruise along the African coast with a small French fleet. The Liberian authorities were delighted to

⁶⁷ Barron to Kirby, January 6, 1843, *Records*, VII (1896), 367; Barron to Kenrick, January 16, 1843, *Records*, XIV (1903), 88.

⁶⁸ Barron to Kirby, February 9, 1843, *Records*, VII (1896), 373.

receive a member of the French royal family, but they soon took a different attitude when they learned that the French Government had plans to occupy territory bordering on their own. Governor Roberts reported in June 1843 that a French brig-of-war with marines and Senegalese soldiers was enroute to Garroway, just beyond Cape Palmas, to establish a permanent base. At the same time, other French officers were making purchases at the mouth of the River Gaboon. These bases marked the beginnings of the French colonies of Gabon and the Ivory Coast.

Governor Russwurm, as the closest neighbor to the French Ivory Coast, was the most concerned and expressed himself to the Maryland Colonization Society in strong terms. Dr. James Hall printed the governor's despatches in his *Maryland Colonization Journal* with an interesting prefatory note:

It will doubtless serve as a nucleus from which to extend a Roman Catholic mission among the natives. Should this be the case, and it be prosecuted with energy and conducted with judgment, certainly great good may be anticipated therefrom. For ourselves, as before stated, we should prefer the tolerant religion of the American colonies to that of any one sect or church exclusively. Let those however who are most ready to deprecate such an event, recollect by whose means it has been brought about.

Dr. Hall went on to blame certain missionaries for blocking every effort to extend the influence of the colonial government over the territory now occupied by the French. What is of greater importance is the fact that the Catholic missionary activity was already being linked to French colonial expansion. The arrival of Bishop Barron's French missionaries at Cape Palmas would now be viewed in a somewhat different light.⁶⁹

While the French were building an empire in West Africa, Bishop Barron continued his preparations to found a chain of Catholic missions in the same territory. On the advice of Captain Killett, R.N., he again postponed the date of departure to early October. In the meantime, he ordered a frame house built at

⁶⁹ MSCS, Russwurm to Latrobe, June 26, 1843; July 31, 1843. Russwurm to Hall, June 26, 1843. ACS, John Roberts to Gurley, July 1, 1843, 88:158. *Colonization Herald*, II (1843), 48; *Maryland Colonization Journal*, II (1843), 35 and 49.

London for transportation to Africa and chartered a vessel there, since ships sailed frequently from London to Calabar and the Oil Rivers. His Capuchin missionaries had advanced as far as Marseilles by June 1843 and he ordered them to join him in London. Unfortunately, they were in extreme want and the bishop had to advance them whatever money came into his hands for their immediate needs.

All of these activities took their toll on Barron's precarious health. After his return from London in February, he was prostrated by a severe attack of bronchitis and asthma. He spent a period of convalescence in his native County Waterford at the home of his cousin, Pierse Newport Barron, high sheriff of Waterford, and briefly at the home of another cousin in Ashbourne, County Meath. Pierse Newport Barron and the bishop's brother, William Newell Barron, had married two sisters, daughters of a landowner in County Down, and the bishop was evidently closest to this branch of his family. As William Newell Barron's home in Fitzwilliam Place served as his residence in Dublin, so Pierse Newport Barron's estate at "The Grange" was his home in Waterford. Besides making the bishop his guest for several months, Pierse Newport Barron was the procurator for the mission, assisting the bishop in his fund raising and in his purchases of needed supplies for Africa. Thomas Cullen of Liverpool, England, the brother of Cardinal Paul Cullen, was another generous friend of the African missions.

These days of convalescence were not without activity. Bishop Barron carried on an enormous correspondence, recruiting volunteers for the mission and raising money in all parts of Ireland. His Irish benefactors contributed £231, no small sum in 1843.

In July 1843 Bishop Barron was again in London, making final preparations for the departure of his little band of missionaries. For some reason, it was decided that the French priests of the Congregation of the Immaculate Heart of Mary would go on alone from Bordeaux, while Bishop Barron and the others would join them later.⁷⁰

⁷⁰ Barron to Cullen, June 8, 1843, *Records*, VII (1896), 374; Barron to Cullen, July 6, 1843, *ibid.*, 378; Barron to Cullen, July 17, 1843, *ibid.*, 381; Barron to Cullen, August 2, 1843, *ibid.*, 382.

Seven missionaries sailed from Bordeaux on the *Deux Clementines* in October 1843. The Rev. John Bessieux was their superior. The other priests were Fathers Louis Roussel, Francis Bouchet, Leopold de Regnier, Paul Laval, Louis Maurice, and Louis Audebert. In addition, there were three young French laymen, not bound by any religious vow, who were added to the company at Bishop Barron's express wish.

Their passage to Cape Palmas was marked by great, and probably unnecessary, suffering. When their ship reached Goree island, the entreport for French Senegal, one of the passengers showed signs of fever after a brief visit on shore. As a health precaution, Father Bessieux confined the ten missionaries to their small stifling cabin during a stay of more than two weeks at Goree. The town was probably as healthy as any on the coast and had the advantage of a Catholic church and hospital staffed by the Sisters of St. Joseph.⁷¹

The French missionaries arrived at Cape Palmas on November 29, 1843. Governor Russwurm reported tersely: "It may not be amiss to inform the Board of the arrival of seven Catholic missionaries and three servants from France in December. Rumor says that this mission is about to be transferred to a Society in France. Mr. Kelley is on the eve of departure for U.S. with Captain Brown, daily looked for. The missionaries have not been introduced by Mr. Kelley, though he intended & offered to a few days after arrival."

The situation at Cape Palmas had changed to a considerable extent during Bishop Barron's absence. Father Kelly had employed a Catholic colonist named Peter Sauzay in the construction work on the mission buildings. Some dispute arose between the two parties. Governor Russwurm "urged upon them the expediency of leaving all disputed items to arbitration. To this, both agreed; and Mr. Kelley selected me for one of his arbitrators. He was informed verbally, I could not serve on account of my office."

Father Kelly agreed to arbitration, but only "provided Mr.

⁷¹ Koren, *Spiritans*, pp. 81-82. Adolph Cabon, C.S.Sp., *La premiere expedition des missionnaires du St. Coeur de Marie en Guinee* (Paris, 1930), p. 20. For a description of the Catholic institutions at Goree, see William F. Lynch, U.S.N., *Report to the Secretary of the Navy* (Washington, 1853), pp. 1-3.

Russwurm and the carpenter P. Brooks do me the favor of being Arbitrators on my part." George McGill intervened, but he was unable to settle the matter. "Baffled in his efforts to bring matters to arbitration, & threatened by his workmen (to whom he was much in arrears) with a suit, Sauzay brought the matter before the Court of Sessions." The trial was put off a month at Father Kelly's request. When the court sat, it determined that John B. Bowen, A. L. Jones, and J. D. Moore of the Episcopal Mission should act as arbitrators. They found in favor of Sauzay.

"To this decision Mr. Kelley filed objections, and promised to make manifest several errors if allowed to do so. . . . The whole case then came again under review." Once more the decision was in favor of Sauzay. "Matters might have been arranged had Mr. Kelley not indulged the idea that he was about to frighten everybody by an appeal to lawyers in the United States. He was told before it went to court, there was no appeal—Why not arbitrate as other missionaries advised him—as I begged him privately."⁷²

By carrying his appeal to the board of directors of the Maryland State Colonization Society, through lawyers in the United States, Father Kelly may have been morally and legally right, but he had committed the cardinal sin in Maryland-in-Liberia. Like so many of his missionary colleagues of other denominations, he had shown contempt for the judicial system of the colony. By this simple act, he turned Governor Russwurm against the Catholic mission and imperiled its success.

The new missionaries solemnly began their work for the conversion of the Grebos with a High Mass and procession on the feast of St. Francis Xavier, December 3, 1843. Perhaps in memory of the austerities of the great missionaries of the past, perhaps in an effort to accommodate themselves to the way of life of King Freeman's tribesmen, the French missionaries cast aside all precautions. They left the food and clothing that Bishop Barron had carefully selected on the advice of veterans of the Royal Navy's slave patrol and experienced traders and shipmasters. They went about bareheaded in the tropical sun and subsisted on a diet of yams and rice

⁷² MSCS, Kelly to Russwurm, n.d., filed as January 1, 1844. Russwurm to Hall, January 12, 1844. Sauzay does not appear on the register of emigrants. He evidently came from Liberia proper to Cape Palmas.

prepared in Grebo fashion. The result was predictable. On December 30 Father Leopold de Regnier died. As he was the only English-speaking priest among the new recruits, his loss was doubly tragic. Neither the colonists nor the natives understood French and the same was true of Father Kelly and Dennis Pindar. With de Regnier gone, the new missionaries could not preach or give instructions or even begin to learn the Grebo tongue. The new year brought more deaths. Dennis Pindar went to his reward on January 2, 1844, and Father Louis Roussel passed away on January 23.⁷³

John Kelly left Cape Palmas on the American brig *Francis Lord* on January 18, 1844. Shortly before his departure, King Freeman asked him to appeal to the Maryland Colonization Society in his name. According to the notes taken by John H. B. Latrobe in his interview with Father Kelly, the Grebo chief "said that when he sold the land to Dr. Hall, it was with the reservation of that part of the natives, who were not to be disturbed. But Lieut. Gov. Russwurm spoke now differently. He had encroached upon the natives' own land. The elder Mr. McGill had declared that the Americans should have the whole land, and that this was Gov. Russwurm's idea also, that the colonists had taken the agricultural implements from the natives and destroyed them. That the King was for Peace, but that American man was for war, and that the King desired to know whether the Society countenanced such conduct."⁷⁴

Trouble between the Grebo nation and the Maryland settlers had been brewing for a long time. Isolated incidents of attacks on mission stations and remote farms had notably increased in the years 1842 and 1843. The problem was never solved; and soon after Maryland-in-Liberia achieved full independence in 1849, a concerted effort was made to drive the colonists into the sea. Conflict between the aboriginal Liberians and the descendants of the American Negro colonists remained one of the underlying factors

⁷³ *Freeman's Journal* (New York), May 4, 1844. It is here stated that Dennis Pindar died of sunstroke, as a result, evidently, of following the French example. Koren, *Spiritans*, p. 83.

⁷⁴ *Liberia Herald* (Monrovia), February 29, 1844. MSCS, Hall to Russwurm, June 7, 1844. Undated sheet of notes by J. H. B. Latrobe, filed as March 28, 1844, which may be the correct date for this interview.

in Liberian politics until recent times. To what extent conflict between the Grebos and the colonists contributed to the worsening relations between Father Kelly and Governor Russwurm is difficult to estimate in the absence of a complete diary covering his entire stay at Cape Palmas. A letter of Bishop Barron, which can only be based on a lost letter from his confrère, indicates that Father Kelly feared a general war soon after the *Vandalia* incident, but there is no suggestion that the missionaries had sided with the native peoples.⁷⁵

Father Kelly sailed from Monrovia on the barque *Latrobe*, bound for Baltimore, on January 27. When the *Latrobe* put in at Goree, the departing missionary met his superior and two fresh recruits for the African mission, the Rev. James Keily of Dungarvan, County Waterford, and John Egan of Limerick.⁷⁶

While the situation was deteriorating at Cape Palmas, the mission had suffered another serious loss in Europe. The six Capuchin missionaries, who had been at Marseilles in August 1843, refused to follow Bishop Barron's order to join him in London in September. He waited patiently for word that they were on their way, but the October sailing date passed without any further news. Soon afterward, he learned that they had returned to Rome without a formal release from either the bishop or their own religious superiors.

Barron and his companions were at Goree, the French island near the mouth of the Senegal, on January 27, 1844 and remained for more than a week, since they were still at Goree when Father Kelly arrived. The bishop told Father Kelly that he had learned from Captain Baker, R.N., that there were Catholics residing in Gambia and that he intended to stop there enroute to Cape Palmas. He also made a visit of some length at Freetown, Sierra Leone. The three missionaries arrived at Cape Palmas early in March 1844.⁷⁷

⁷⁵ Barron to Kirby, February 9, 1843, *Records*, VII (1896), 373. See John H. B. Latrobe, *History of Maryland-in-Liberia* (Baltimore, 1885).

⁷⁶ *Liberia Herald* (Monrovia), February 29, 1844. *Freeman's Journal* (New York), May 4, 1844.

⁷⁷ *Freeman's Journal* (New York), November 4, 1843; *Colonization Herald*, May 1844; *Catholic Herald* (Philadelphia), May 16, 1844; *Freeman's Journal* (New York), May 25, 1844.

The presence of five French priests and three French lay missionaries, completely isolated by language difficulties, continued to cause suspicion in Liberia. The same Monrovia newspaper that had welcomed Bishop Barron in 1842 spoke very differently in its March 1844 issue:

We have learned from a source entitled to credit, that the Catholic mission at Cape Palmas have authority to control the movements of one of the French vessels on this coast. Indeed one vessel is constantly hovering off Cape Palmas for their protection. This is mysterious and ominous, especially when we recollect that other missionaries have resided there for years without apprehension. It is equally mysterious whether this anticipation refers to the colonists or the natives. We are loathe to believe it is to the latter, seeing the Catholic missionaries were on the best terms with the natives, when the American colonists and the white Protestant missionaries hourly expected an attack by the combined forces of the country. When we recollect the affair at Tahita, we are not ashamed to confess our apprehensions.⁷⁸

In this charged atmosphere, Bishop Barron decided to transfer his missionaries to French territory. Father Kelly's reports of the conditions in Cape Palmas also led him to urge the Catholic colonists to prepare to leave the American colony and join him at a later date. The Bishop chose Assinie and Grand Bassam in the Ivory Coast and the French post at the mouth of the Gaboon river in Gabon as the sites for these missions. Father Bessieux was instructed to remain at Cape Palmas. The bishop and the others sailed on the French armed brig *Eglantine* for Grand Bassam. Unable to land there, the brig proceeded to Assinie, where the entire party went ashore. From Assinie Fathers Paul Laval and Louis Audebert and the lay missionary Gregory Seys began a journey overland to Grand Bassam.⁷⁹

The conditions at Assinie did not offer much promise for a successful mission, much less for a home for the Catholic colonists in Liberia. On April 18, 1844, Bishop Barron wrote from Fort de Joinville, Assinie, to Governor Russwurm:

In leaving Cape Palmas last March, I gave some encouragement to the Catholics of that colony to come and locate them-

⁷⁸ *Liberia Herald* (Monrovia), March 30, 1844.

⁷⁹ Koren, *Spiritans*, p. 83.

selves in the vicinity of the Catholic missions about to be established at Assinee, etc. I now find that the resources of this place do not present hopes to colonists of their being able to provide comfortably for themselves and families, and accordingly beg of you to discourage them in every possible way from leaving Cape Palmas.⁸⁰

The bishop did not feel that Grand Bassam was in need of any further personal supervision on his part and, with the remaining members of the party, sailed on the *Eglantine* for the French post at the mouth of the Gaboon about May 1, 1844. The long voyage to Gabon allowed Bishop Barron to visit and examine other possible sites for missions along the Bights of Benin and Biafra. On the voyage he touched at Elmina, Accra, the French station near Porto Novo in Dahomey and the Portuguese islands of Sao Thomé and Principe.

The situation at the Gaboon was scarcely an improvement over that at Assinie. A letter from the Rev. John L. Wilson, a missionary sent by the American Board of Commissioners for Foreign missions, describes the continuing French efforts to establish a permanent post there. King Denny (Denis) was friendly to the French influence and ceded land to them for an armed trading post. King Glass (whom the French called King Louis) had less affection for the French and only half-heartedly entered into a treaty of friendship with them in 1843. Two French naval vessels lay off King Glass' Town and a large party of French marines and Senegalese soldiers were landed to overawe the king, but no warlike measures were taken on either side. Captain Bouet-Willoumeze of the *Malouine* was in command of the station at the Gaboon. An experienced officer on the African station, he had selected the Gaboon for a French stronghold as early as 1837 and negotiated a treaty with King Denis in February 1839.⁸¹

While the missionaries were at the Gaboon, Father Francis Bouchet came down with the fever. Bishop Barron decided to return with the sick man to Goree, where he could be properly

⁸⁰ MSCS, Barron to Russwurm, April 18, 1844.

⁸¹ Wilson to unknown correspondent, May 8, 1844, *Maryland Colonization Journal*, II (1844), 265. Baltimore *American*, March 9, 1845. *Colonization Herald*, II (1843), 35. *Souvenirs sur le Gabon* (Brazzaville, Congo, 1950), n.p. This is a collection of documents relating to the history of Gabon.

hospitalized. As there had not been enough time to establish a permanent mission at the Gaboon, the bishop withdrew the entire party, promising Bouet-Willoumeze to return with some of his priests at a healthier season.

As the *Eglantine* was sailing north, Father Bouchet died. The French naval officer in command of the brig was a violent anticlerical unbeliever. He refused to permit any religious rites on board and ordered Father Bouchet's body unceremoniously tossed into the Gulf of Guinea without even a weighted shroud to protect it.

When the brig finally arrived at Assinie, Bishop Barron learned of fresh disasters. Both Father Louis Audebert and the lay missionary Gregory Sey had died at Grand Bassam. The journey overland through the jungles had brought them to their post in an exhausted condition. More efforts at "accommodation" left them easy prey to disease and the sole survivor of the Ivory Coast mission, Father Paul Laval, arrived at Assinie close to death himself. The bishop took him on board the *Eglantine*, but he died a few days later. While they were at Assinie, the young Irish missionary James Keily fell a victim to the fever and was buried at Fort de Joinville. The *Eglantine* carried the survivors to Goree. On this last leg of their voyage, John Egan and the French lay assistant died. Bishop Barron and Father John Maurice were the only members of the party to reach the Senegal alive.⁸²

Bishop Barron had not despaired of the eventual success of the mission. He believed that a fresh start could be made at Goree with the establishment of a seminary for native vocations. He pointed out that three members of the Woloff tribe had already been ordained to the priesthood.⁸³

Meanwhile, Father John Bessieux remained alone at Cape Palmas of the seven priests who arrived there only a few months earlier. He was now ordered to the Gaboon and was taken there by Captain Monleon of the French warship *Zebre*. Some weeks later a Father Briot was sent to join him from Goree. Father Bessieux remained in Gabon for the rest of a long and fruitful missionary career. He assisted in the founding of Libreville in 1849 and made

⁸² Barron to Kenrick, February 13, 1845, *Records*, VII (1896), 383. Koen, *Spiritans*, pp. 83-85.

⁸³ Barron to Kenrick, February 13, 1845, *Records*, VII (1896), 383.

it his headquarters when he succeeded Bishop Barron and Bishop Tisserant as the third vicar Apostolic of Guinea.⁸⁴

The exact date of Father Bessieux' departure from Cape Palmas is unclear. The records of his congregation indicate that he sailed on September 28, 1844. A letter of Governor Russwurm, dated August 24, 1844, states explicitly that, "The French priests have all left and it is intended to locate such here as can talk English."⁸⁵

Bishop Barron had determined, however, to close the mission at Cape Palmas. On October 27 Governor Russwurm reported:

The French corvette *Indienne* was lately here and the Captain thought that Dr. Barron would finally sell the Catholic mission house. It is a fine one, and it would be a pity to pull it down. . . . All the French missionaries to Assinee, G. Bassam, and Gaboon are dead, but the last one who left here about three months ago.⁸⁶

The breakup of the mission followed rapidly. The altar-fittings and other property were shipped by the *Indienne* on October 25. The handful of Catholic Liberians, whose spiritual needs had brought Bishop Barron to Africa in the first place, remained a problem. Philip Brooke and his five children returned to Philadelphia at the bishop's expense and Barron added: "I would willingly make any expense to bring those poor Catholics back."⁸⁷

On January 16, 1845, Governor Russwurm reported to Dr. Hall that "Bishop Barron has sailed from Senegal for Europe with the only two priests alive." John Egan died not long after reaching Ireland, however, so that only Father Maurice and Father Bessieux may be considered survivors of the mission. Father Maurice died fifty years later as the pastor of Greece, New York.⁸⁸

Bishop Barron himself was in shattered health. As early as

⁸⁴ Several lives of Bishop Bessieux have appeared in French in recent years.

⁸⁵ Koren, *Spiritans*, p. 84. MSCS, Russwurm to Hall, August 24, 1844.

⁸⁶ MSCS, Russwurm to Hall, October 27, 1844.

⁸⁷ Philip Brooke's former owner, Chapman Billingsley, explained that he sent Brooke to Cape Palmas in 1842 with the proviso that he never be permitted to return, since his views were considered incendiary. Evidently Brooke was connected with the Underground Railroad. MSCS, Billingsley to Hall, December 23, 1843. Brooke was 59 years old in 1842. Barron to Kenrick, February 13, 1845, *Records*, VII (1896), 383.

⁸⁸ MSCS, Russwurm to Hall, January 16, 1845. Robert F. McNamara, "Father Maurice of Greece, N.Y., A Footnote to the Liberian Mission," *Records*, LXI (1950), 155-183.

December 1844, his friend Bishop Kenrick wrote to the future Cardinal Cullen:

The situation of my excellent friend, Bishop Barron, excites my sympathy. I will willingly receive him as my Coadjutor if the Holy Father please. I omit making a formal application not to be obliged to notify all the Bishops. You may communicate my views and dispositions to His Holiness or to the Cardinal Prefect [of Propaganda].⁸⁹

Barron was already in Rome when Kenrick wrote in his behalf. The Propaganda originally planned to transfer him to a vicariate in Australia, but the bishop's own desire was to return to the United States.⁹⁰

He arrived at Marseilles from Senegal in December 1844 and went directly to Rome. After consultation with the Holy Father and Cardinal Fransoni, he was permitted to resign his vicariate and at the same time his see was transferred from Constantina to Eucarpia.⁹¹ In May 1845 he left Rome for Turin, where he was graciously received by the British Minister, Sir Ralph Abercrombie, who had the highest praise for the bishop's nephew. On May 23 he left Turin for Lyons and went on to Paris. He was in Waterford in June, where he was reunited with his family. Later that month both Bishop Kenrick and Monsignor Cullen, who were on a tour of Ireland, joined him in Waterford. He sailed from Liverpool in July 1845 for the United States.⁹²

The passage across the Atlantic was a short one. He arrived at Philadelphia on July 22 and remained there for two weeks. Early in August 1845, he joined Peter R. Kenrick, who had succeeded Bishop Rosati in the see of St. Louis, and traveled with him to Missouri.⁹³

Bishop Barron had another attack of the fever soon after his arrival at St. Louis, but by November he was sufficiently re-

⁸⁹ Kenrick to Cullen, December 14, 1844, *Records*, VII (1896), 316. F. P. Kenrick to P. R. Kenrick, May 6, 1845, *Kenrick-Frenaye*, p. 213.

⁹⁰ F. P. Kenrick to P. R. Kenrick, January 1, 1845, *Kenrick-Frenaye*, p. 199. Barron to Kenrick, February 13, 1845, *Records*, VII (1896), 383.

⁹¹ *Catholic Herald* (Philadelphia), February 20, 1845.

⁹² Barron to Kirby, May 23, 1845, *Records*, VII (1896), 386; Barron to Kirby, July 5, 1845, *ibid.*, 454; Thomas Heyden to Kirby, July 11, 1845, *Records*, VIII (1897), 489.

⁹³ Kenrick, *Diary*, 233. Kenrick to Kirby, August 21, 1845, *Records*, VII (1896), 316.

covered to undertake the visitation of the diocese in Bishop Kenrick's place. There was some possibility that Bishop Barron would be transferred to the vacant see of Vincennes, but nothing came of it.⁹⁴ In May 1846 he was acting as chaplain in the Catholic hospital at St. Louis. He was particularly interested in the Indian missions among the Osages and Pottawatomies in modern Kansas. He visited there on visitation and again to confer confirmation. His solicitude obtained a number of vestments and other religious articles for the missions. Another bout of fever prostrated him in September 1846, but he recovered in time again to carry on the visitation of the diocese for Bishop Kenrick.⁹⁵

The Kenricks made an effort to have Bishop Barron made coadjutor of St. Louis, *sine jure successionis*, in 1847. In March of that year Joseph Coolidge Shaw wrote from Rome that the appointment would be made, but nothing further was heard of the project.⁹⁶ In October 1848 Bishop Peter Kenrick received sad news of Barron:

I regret to state that your dear friend, Rt. Revd. Dr. Barron, is in a very low state of health. He is consumptive, and can scarcely be expected to recover. His physician has ordered him to go to the South, and he appears likely to act on the suggestion, although we are all filled with apprehension as to the result.⁹⁷

Bishop Barron recovered to some extent and in 1849 was again active in the Diocese of St. Louis. Since he was performing all the duties of a coadjutor bishop, the two Kenricks again requested his formal appointment.⁹⁸

⁹⁴ Kenrick to Kirby, November 15, 1845, *Records*, VII (1896), 322. F. P. Kenrick to P. R. Kenrick, January 1, 1846, *Kenrick-Frenaye*, p. 220.

⁹⁵ Saint Mary's College Archives, Saint Mary's, Kansas. "Historiae Ecclesiae Dedicatae Deo sub Invocatione Immaculatae B. Mariae Virginis Conceptionis," D3:110, and "Liber Parochialis Eccl. Conceptionis B.M.V. inter Potawatomenses," E2:25, record Bishop Barron's visit for two weeks beginning December 17, 1845. I am indebted to the Rev. Augustin C. Wand, S.J., for this reference. Barron to Kenrick, May 13, 1846, *Records*, XIV (1903), 99-100; Barron to Cullen, July 27, 1846, *Records*, VII (1896), 454, describes a visit to the Osage mission. Kenrick to Cullen, December —, 1846, *ibid.*, 331.

⁹⁶ Kenrick to Kirby, January 6, 1847, *Records*, VII (1896), 333; F. P. Kenrick to P. R. Kenrick, May 12, 1847, *Kenrick-Frenaye*, p. 255.

⁹⁷ P. R. Kenrick to Cullen, October 18, 1848, *Records*, VII (1896), 337.

⁹⁸ F. P. Kenrick to P. R. Kenrick, June 21, 1850, *Kenrick-Frenaye*, 309.

In June 1850, with his health again in a very precarious state, he went to Philadelphia as the guest of Bishop Kenrick. In October of that year he left for the South.⁹⁹

The bishop's last years are identified with the Church in the Southern United States. He spent some time in Florida, chiefly at Jacksonville and Pensacola. During part of 1852 he was employed as a parish priest in Columbus, Ohio, but his work in Florida made him the natural choice for the vicariate apostolic of Florida. He returned to Jacksonville late in 1852, but once again his appointment was delayed in Rome and the vicariate was still vacant at his death.¹⁰⁰ In July 1854 he left Florida for Philadelphia "By the advice of physicians to get away from the heat of the South, but he would not stay." When the yellow fever epidemic broke out in Savannah, he left for Georgia at once. "He was helping the Bishop of the diocese in the urgent work of visiting the sick," but soon fell a victim to the fever himself. He died at Savannah, Georgia on September 12, 1854.

When he learned of Edward Barron's death, Bishop Kenrick wrote:

I need not tell you of the confidence in which I feel secure that he is now one of the number of those priests who serve Christ in Heaven. You know the quality of his spiritual life, his piety, charity, humility and the other virtues which gave nobility to his character. God grant that we may be found as well prepared and as free of all blame when the Judge shall come.¹⁰¹

Bishop Barron was buried beside the Bishop of Savannah, Francis Xavier Gartland, who also fell a victim of charity while visiting the plague-stricken. A memorial erected to his memory in Waterford Cathedral reads:

Justus ut Palma Florebit

This monument is erected to the Memory of
The Right Reverend Dr. Barron
Bishop of Liberia.

⁹⁹ Kenrick, *Diary*, 262.

¹⁰⁰ F. P. Kenrick to P. R. Kenrick, October 20, 1852, *Kenrick-Frenaye*, 336. F. P. Kenrick to P. R. Kenrick, January 18, 1853, *ibid.*, 350.

¹⁰¹ F. P. Kenrick to P. R. Kenrick, September 16, 1854, *Kenrick-Frenaye*, 372-374. *Freeman's Journal* (New York), September 23, 30, October 7, 1854. *The Tablet* (London), XV (1854), 646.

In him religion bewails the loss of an ardent friend, and charity has lost a devoted advocate. He dedicated his fortune and his life to the good of mankind, without distinction of race or sect or country. He originated a mission to Africa to convert the Heathen. Out of 21 zealous men who accompanied him, he and another alone survived the effects of a pestilential climate. He then with a shattered frame directed his steps to the wilds of America, and finally fell a sacrifice to fever at Savannah in the discharge of his duty, on the 12th of September, 1854.

*Beati mortui qui in Domino moriuntur.*¹⁰²

¹⁰² I am indebted to the Rev. Thomas Marsh of St. John's College, Waterford, for sending me a copy of this inscription and many other references to Bishop Barron's early career in Ireland.

EVOLUTION OF CATHOLIC LAY LEADERSHIP, 1820-1920

BY SISTER M. ADELE FRANCIS GORMAN, O.S.F.*

Catholic lay leadership was practically nonexistent in 1820, but in the hundred years which followed there was a gradual evolution of lay participation in the non-theological aspects of the Church in the United States. For most of these hundred years, there was little distinction between lay and clerical leadership in the Church because Catholics generally acknowledged the pastor's role as head of his flock in all things religious, and in many things not religious. However, as life in the United States became more complex, Catholics realized more and more that a numerically inadequate clergy could not handle all the social and economic problems of the faithful as well as administer the sacraments, care for parishes, build schools and other buildings, perform works of charity, and fulfill other priestly duties.

But lay leaders were scarce, mainly because there was a dearth of articulate Catholics. In 1790, when the first official census of the new country was taken, there were about 35,000 Catholics in a total population of nearly four millions. Many of the Catholics were English who had emigrated from the homeland to escape religious intolerance but had found in the colonies few opportunities to foster and spread the faith. Parochial schools had been forbidden them in colonial times, but well-to-do families like the Carrolls and Brents of Maryland had sent their sons to Europe for a thorough Catholic training. Colleges opened at Georgetown and Emmitsburg offering young men something beyond merely elementary training, but these schools scarcely measured up to modern standards of college curricula. On the primary level, Mother Seton began elementary training for youngsters of both sexes.

In the 19th century new waves of immigrants entered the United States, many of them from Ireland and Germany and many of them Catholics. Irish Catholics brought with them, among other things, the Saint Patrick's Funeral Benefit Society

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which was incorporated in New York in 1836 as the Ancient Order of Hibernians. The introduction of the Catholic society into American Catholic life provided one of the most lasting methods of Catholic lay leadership prevalent throughout the period.

Nine years after the incorporation of the Ancient Order, the first unit of the Society of St. Vincent de Paul was started in St. Louis for the purpose of aiding the poor of the city. Within a very short time there were hundreds of conferences of this charitable organization in the United States helping the sick, orphans, aged, and indigent of the parishes. St. Louis also boasted of a Catholic hospital as early as 1828, made possible through the generosity of a leading Catholic layman of the city, John Mulvanphy.

Catholic societies increased slowly but steadily in membership and scope, but most of the groups were local or parochial and many were ethnic. Large numbers of the societies were pious organizations like the Sodalties of Our Lady, the Rosary Confraternity, the Peter's Pence Society, altar societies, and other confraternities which had little influence beyond parochial limits.

Before Catholics could exercise any initiative towards lay leadership, they found their cause hindered by two circumstances. One came from a few lay trustees in charge of the temporalities in various parishes who violated the confidence placed in them by their bishops and pastors. Although there was a little mismanagement of funds, a greater problem was the usurpation of a prerogative which belongs to bishops: the naming and dismissing of pastors. These cases left a lingering doubt in the minds of many clergymen who hesitated to grant laymen any authority in even the social mission of the Church.

The second blow resulted from a nationality situation. Even though the Church in the United States was staffed by large numbers of foreign priests,¹ immigrants from some countries often found themselves without spiritual help from priests of their own nationality. Unsatisfied demands for priests speaking their

¹ John J. Meng, "Century of American Catholicism as Seen through French Eyes," *Catholic Historical Review*, XXVII (April 1941), 53; Max LeClerc, *Choses d'Amérique* (Paris, 1891), pp. 218-223.

own language often led non-English-speaking Catholics to open schism such as occurred in Buffalo, New Orleans, and Charleston.

A further deterrent to lay leadership could be found in the anti-Catholic sentiments of Americans who decried the influx of foreigners, especially if they were Catholics. The economic problems of the 1830's resulting from a scarcity of trade and the bank panics caused anxious citizens to denounce the growing numbers of unskilled laborers arriving from Europe. A convent was burned in Charlestown, Massachusetts, in 1834, when feeling reached a dangerous level. Agitation increased with the founding of the American Protestant Association in 1842. The sentiments of this group reached large numbers who, aroused to mob violence, burned two Catholic churches in Philadelphia in 1844.

By 1850 there were about two million Catholics in the United States, most of whom were newly arrived immigrants or first or second generation descendants of immigrants. Consequently, non-Catholics viewed the Church in the United States as a sort of foreign institution somewhat set apart from themselves by the anti-Catholic bias of the previous two decades. However, Catholics became even less eager to assert themselves in the following decade when the Know-Nothing Party used every medium of communication to discredit them, terrorizing them with a new wave of violence.

The Civil War put an end to the type of bigotry practiced by the Know-Nothing Party, but Catholics emerged slowly from the shadows into which they had retreated because of the fear of violence. Afterwards, like others in the country, they were caught in the post-war struggle between inflationary prices and low wages. There were few benefits for workmen in the 1860's, and Catholics in increasing numbers turned to existing benevolent or insurance societies to secure some assistance in time of sickness or death.

Like the Ancient Order of Hibernians, many of the benevolent societies were either parochial and/or ethnic. Two, however, were making efforts to become national organizations: the German Catholic Central Union, known as the Central Verein,² and the

² J. Philip Gleason, "The Central-Verein, 1900-1917. A Chapter in the History of the German American Catholics." (Unpublished doctoral dissertation, University of Notre Dame, 1960), *passim*.

Irish Catholic Benevolent Union.³ By 1875 both of these groups had started to unite local and state organizations into a national union and had even offered to each other an agreement to exchange delegates at their national conventions.⁴ In this way, Catholics had some opportunity of making the acquaintance of their coreligionists.

Events that followed the First Vatican Council in 1870 led to another type of unity among Catholics and brought to the fore at least one prominent Catholic layman. Pope Pius IX made himself a voluntary prisoner in the Vatican after the invading forces of unification had taken Rome. No public statement was heard from the Pontiff until he addressed a delegation from the Catholic Union of Belgium in March 1871. His Holiness commended the Catholic Union on its work and advocated that other such Unions be formed in other parts of the world.

His plea was heard in the United States where a New York lawyer, Richard Clarke, and a small group of laymen received permission from Archbishop John McCloskey of New York to draft a constitution for a Catholic Union. Apparently Clarke sent copies of this constitution to the bishops of the country, asking them to form Unions in their dioceses and to unite with a National Union which would have headquarters in New York. Local Unions were formed in New York, New Orleans, Jersey City, Grand Rapids, Boston, and other places, but the dream of a National Catholic Union was never realized.⁵

The purposes of the Catholic Union were to unite Catholics in prayer for the early deliverance of the Holy Father, to promote study clubs, to disseminate inexpensive Catholic literature, and to perform at least rudimentary works of charity. In a letter to the great convert-publicist, Orestes Brownson, Father Isaac Hecker, superior general of the Paulist Fathers, wrote that the Catholic

³ Sister Joan Marie Donohoe, S.N.D., *The Irish Catholic Benevolent Union* (Washington, 1953), *passim*.

⁴ J. Philip Gleason, "Not German or Irish so much as Catholic," *Social Justice Review*, LI (March 1959), 384-385.

⁵ The History of the Catholic Unions can be found in *Records of the American Catholic Historical Society of Philadelphia*, LXXII (Sept., Dec., 1961), 84-92, (RACHS).

Union planned to start a daily Catholic newspaper, a Catholic university, and hold a Catholic congress.⁶

Although it is not specifically stated in the constitution of the Catholic Unions that they were lay organizations, the idea is there by implication. The constitution provides that each circle, or unit, of the Catholic Union should be provided with a chaplain and guided by his spiritual advice. In the by-laws of the Jersey City Catholic Union there is a list of the permanent study groups, the last of which designates, "Embracing the consideration of measures for cooperating with the Rev. Clergy in developing, improving and encouraging the study of Sacred Music and the chant of the Church."⁷

These Catholic Unions were formed at a time when Catholics frequently hesitated to identify themselves publicly because memories of violence remained vivid. Richard Clarke and his helpers did the laymen a great service in opening to them the means of communication with each other in an intelligent manner. Membership in the Unions was broad, being open to individuals, to societies, and to associations. Many of the local Unions maintained active membership and continued projects well into the 20th century, especially in Richmond, Virginia, and Boston.

Even though the Catholic Unions offered the laymen a kind of security, lay leadership in the 1870's was still nebulous. Because the hierarchy of the United States was mainly foreign-born and foreign-trained, it could not aid immigrants to wield any influence along political or social lines. This was especially true on account of the hierarchy's "acceptance in practice—more completely than by Protestant leaders—of the separation of the civil government and the church."⁸ The American archbishops and bishops were more devoted to the perfection of the "hierarchical organization and to the preparation of the proper milieu for the practicing of the sacramental character of Catholicism," especially

⁶ New York, January 8, 1872, Orestes Brownson papers, Archives of the University of Notre Dame (AUND).

⁷ *General Constitution of the Catholic Union together with the Constitution and By-Laws of Circle No. 1 of New Jersey*, on microfilm, AUND.

⁸ Thomas T. McAvoy, C.S.C., *The Great Crisis in American Catholic History 1895-1900* (Chicago, 1957), p. 41.

in training the young in dogma and moral principles, than in things political.⁹

As is typical in most eras, social needs outran social provision. The 70's were strangely indifferent to many evils of society, other than those concerned with crime and intoxication.¹⁰ However, it was also a period of consolidations when organized charity appeared in Buffalo and the American Red Cross was forming into a national body.¹¹ Catholics, too, were organizing to aid the underprivileged of the Church, placing much stress upon Catholic societies like the Catholic Young Men's National Union and the Knights of Columbus.¹²

The Protestant churches failed to keep abreast of the social needs resulting from the growth of slum areas in the cities, an outgrowth of the industrial expansion. Often whole congregations moved outside the parish limits into better neighborhoods, leaving the poorer classes without benefit of religious care. But the Catholic Church "followed the poor everywhere, building edifices in the grayest and gloomiest wastes of the great cities."¹³ The poor also felt the scourge of political corruption, especially on the local level, and in 1884 the Republican Party attempted to win traditionally Democratic votes from Irish Catholics.¹⁴

In this setting the Third Plenary Council was held in Baltimore in 1884. The material and spiritual problems of the Catholics of the United States were considered at great length by the leading theologians of the country. Bishop John J. Keane of Rich-

⁹ *Ibid.*, pp. 41-42. See also by the same author, "The Catholic Minority in the United States, 1789-1821," *Historical Records and Studies*, XXXIX-XL (1952), 33-50, (*HRS*); "The Formation of the Catholic Minority in the United States, 1820-1860," *Review of Politics*, X (Jan. 1948), 13-34; and "The Catholic Minority in the Late Nineteenth Century," *ibid.*, XV (July 1953), 275-302.

¹⁰ Allan Nevins, *The Emergence of Modern America, 1865-1878* (New York, 1927), p. 347.

¹¹ Arthur Schlesinger, *The Rise of the City, 1878-1898* (New York, 1933), pp. 349ff.

¹² *Ave Maria*, XIV (June 8, 1878), 368; Patrick H. Ahern, *The Life of John J. Keane, Educator and Archbishop, 1839-1918* (Milwaukee, 1954), pp. 334, 314, 693; Notre Dame *Scholastic*, *passim*; Francis S. Chatard, "Catholic Societies," *American Catholic Quarterly Review*, IV (April 1879), 212-221.

¹³ Charles and Mary Beard, *The Rise of American Civilization* (New York, 1954), II, 397.

¹⁴ Schlesinger, *Rise of the City*, p. 398.

mond gave an address urging Catholics to participate in the non-theological aspects of the Church. He recommended their joining Catholic societies and warmly lauded the work of European Catholic Congresses.¹⁵

The pastoral issued after the council devoted sections to the social needs of the faithful, and Catholics were warned against hostile forces such as existed in forbidden, secret societies. On the other hand, the prelates encouraged laymen to join Catholic organizations and gave as good reasons "the desire to get acquainted, to secure friends, to be on familiar terms with persons of influence, and to have claims upon aid of brother members."¹⁶

However, although the hierarchy advocated unity among the laity, after the council the hierarchy itself was divided on such questions as the single tax recommended by Henry George, on the inauguration of the Catholic University, and on the Knights of Labor. Chief reasons for disunity among the hierarchy were the different nationalities among the bishops and a nascent "liberal" movement, both of which divided the prelates for the next fifteen years.

During this period when episcopal differences were often harmfully publicized, many of the Catholic newspapers were simply sounding boards for the local ordinary. Catholic newspapers had begun about 1822 when Bishop John England inaugurated the *United States Catholic Miscellany* in Charleston, and their number had increased steadily in this country after that. In the latter part of the 19th century a number of lay editors of Catholic publications contributed to the development of Catholic lay leadership. Among the outstanding editors were Orestes Brownson of *Brownson's Quarterly*, John Boyle O'Reilly of the *Boston Pilot*, George Dering Wolff of the *Catholic Mirror* and the *Catholic Standard*, Condé Pallen of *Church Progress*, and James McMaster of the *New York Freeman's Journal*. Both Brownson and McMaster had approved of the efforts to expand the Catholic Unions,

¹⁵ *The Memorial Volume: A History of the Third Plenary Council of Baltimore, November 9-December 7, 1884* (Baltimore, 1885), pp. 199-207.

¹⁶ Peter Guilday, ed., *The National Pastorals of the American Hierarchy (1792-1919)* (Washington, 1923), pp. 256ff. See William Haynes, "Secret Societies," *Notre Dame Scholastic*, (Sept. 27, 1884), 49.

and the other editors served prominently in the later Congress movement.

By 1880 the Catholic population of the United States had increased to nearly 9,000,000 whereas the general population of the country had multiplied only ten times since 1790.¹⁷ Catholics, like others, had caught the centennializing fever that spread throughout the nation after 1876 when the hundredth anniversary of the signing of the Declaration of Independence was commemorated. Consequently, to celebrate the centennial of the foundation of the American Hierarchy in 1889, the bishops decided to hold a meeting in Baltimore.

In general, the country had experienced a phenomenal growth. Territorial expansion included all the land between the oceans, Mexico, and Canada, plus the vast area of Alaska. Pioneers of all types had braved every kind of hardship to settle each new acquisition until endless acres of land were under cultivation; huge cattle ranches were being developed; networks of railroads and canals were knitting the nation together; and industry had been enhanced by invention, capital, and large numbers of laborers.

The Catholic Church witnessed a similar increase in addition to mere numbers. Colleges and elementary schools had mushroomed into dozens of the former and hundreds of the latter. High schools under Catholic auspices were opening in all parts of the country, as were Catholic hospitals, orphanages, mental institutions, and youth centers. There was some reason for jubilation.

But few of the problems of industrialism and urban living had been solved. There were more numerous tenement areas, needs for reformation in charitable institutions, and more opportunities needed to make men aware of the social inequalities in a "gilded age." Aware of these deplorable conditions the Salvation Army and the Young Men's Christian Association worked diligently to aid their suffering brethren as did such energetic clergymen as Washington Gladden and Walter Rauschenbusch. Catholics shared the same problems with Protestants, but after 1887 they had to contend with a newly formed anti-Catholic organization, the American Protective Association. The APA was based upon jealousy,

¹⁷ *A Century of Population Growth* (Washington, 1909), p. 15.

envy, and sheer prejudice, and its members pledged not to vote for Catholics nor to employ them.

The nationality problem still plagued Catholics and often prevented them from achieving a common meeting ground. A group of German priests belonging to the *Priester Verein* was considered dangerous to the harmony of Church in the United States,¹⁸ and Cardinal James Gibbons of Baltimore found the inclusion of nationality names in titles of organizations "a mistaken . . . sentiment of patriotism."¹⁹ Archbishop John Ireland of St. Paul agreed with the cardinal and added, "My conviction grows daily that the Church cannot prosper in America, so long as she seemingly persists in draping herself in foreign un-American garbs."²⁰

Consequently, when the suggestion of a centennial celebration first occurred, the cardinal decided that it would be mainly a commemoration by the hierarchy. He had serious reasons for preventing a large gathering of the laity. Monsignor Denis O'Connell, rector of the North American College in Rome, had written to the cardinal asking him if the Americans would hold a mass meeting in support of the restoration of temporal power to the pope, and Cardinal Gibbons had asked the opinions of the archbishops assembled for a board of trustees meeting of the Catholic University of America. They agreed unanimously with Gibbons that "holding such public meetings . . . would very probably result in provoking counter demonstrations of the opponents to Temporal Power."²¹

However, unaware of the cardinal's sentiments, Henry Brownson, son of the convert-publicist Orestes Brownson, had attended a Catholic Congress in Europe and thought the centennial celebration an ideal time to inaugurate the movement in the United

¹⁸ Camillus Maes to "Most Rev. Eminence," Covington, July 10, 1888, in Ireland papers in Archives of the Archdiocese of St. Paul (AASP).

¹⁹ Gibbons to Archbishop John Ireland, Baltimore, October 19, 1888, AASP.

²⁰ Ireland to Gibbons, St. Paul, October 27, 1888, Gibbons papers in Archives of the Archdiocese of Baltimore (AAB).

²¹ Gibbons to Ireland, Baltimore, November 24, 1888, AASP. O'Connell to Gibbons, Rome, March 25, 1888, AAB; John T. Ellis, *The Life of James Cardinal Gibbons*, (2 vols., Milwaukee, 1952), I, 269; Richard J. Purcell, "Archbishop Ireland: An Appreciation," *RACHS*, LX (June 1949), 101-102; Robert D. Cross, *The Emergence of Liberal Catholicism* (Cambridge, 1958), p. 168.

States.²² He wrote to an eminent layman in Chicago, William Onahan, and, with his consent, addressed letters to Cardinal Gibbons and other members of the hierarchy asking opinions of the idea. The cardinal was not impressed with the project, but he consented to discuss the matter further when he met the hierarchy at the dedication of the Catholic University which would take place after the celebration in Baltimore.²³

Undeterred by the cardinal's response, Onahan and Brownson continued to make preparations for the first American Catholic Congress. They wrote to "noteworthy" laymen in each diocese informing them of the project and to Archbishop Ireland asking him to intercede for them with the Cardinal.²⁴ Ireland wrote to the cardinal telling him that he and other prelates thought the Congress would bring the "Centenary new eclat,"²⁵ and then advised Onahan and Brownson to include Catholics of all nationalities, especially Germans, in their lists of committeemen.²⁶

That Catholics were considered at best second-rate was implied in a letter from the famous Catholic historian, John Gilmary Shea, in reply to a request that he prepare a paper for the Congress. "Will it not," he wrote, "do more harm than good to get up and parade a fifth rate people and extol them as paragons of excellence?"²⁷ Despite this word of caution and an excuse that he was too ill to participate, Shea eventually appeared on the platform of the Congress.

It had been Brownson's idea that this first Congress should be "lay" in all respects except for seeking advice from members of the hierarchy. Consequently, the committee on organization was quite upset when Cardinal Gibbons insisted that an episcopal commission be appointed to advise the laymen and to supervise the

²² For a general history of the Congresses see Sister M. Sevina Pahorezki, O.S.F., *The Social and Political Activities of William James Onahan* (Washington, 1942). For special treatments see Aaron I. Abell, *American Catholicism and Social Action* (Garden City, 1960), Chapter IV, and "Lay Activity and the Congresses of 1889 and 1893," *RACHS*, LXXIV (March 1963), 3-23.

²³ Gibbons to Brownson, Baltimore, March 27, 1889, AUND.

²⁴ Onahan to Members of the Laity, Chicago, May 20, 1889, AUND. This was circulated earlier than May 20 but was published on that date.

²⁵ Ireland to Gibbons, St. Paul, April 20, 1889, AAB.

²⁶ Ireland to Brownson, St. Paul, May 8, 1889, AUND.

²⁷ Shea to Brownson, Elizabeth, N.J., June 25, 1889, AUND.

contents of the papers to be read at the meeting.²⁸ Gibbons was determined that it would not become a "grievance" platform to offend non-Catholics, and this was his method to prevent such an occurrence. Brownson and Peter Foy, a St. Louis journalist representative on the committee, were annoyed that Onahan had allowed this clerical "interference" to upset their plans.²⁹

Cardinal Gibbons also insisted that the press be included in the preparations for the Congress, and the rather tardy invitation to members of the Catholic press to participate created a veritable tempest in a teapot.³⁰ Foy exploded when the cardinal designated the Reverend Thomas O'Gorman to read the paper on the independence of the Holy See,³¹ and the layman reminded Brownson that the rules of the Congress stipulated that only laymen read papers.³²

When the Congress opened on November 11, 1889, with a Solemn Mass in the Cathedral of the Assumption in Baltimore, few of the delegates realized how much friction had preceded the smooth meeting that unfolded before them. Before the final torch-light procession on November 12, the delegates heard papers and comments by the leading Catholic laymen of the country. The meeting fulfilled the confidence placed in it by Pope Leo XIII, who sent his blessing through Cardinal Rampolla.³³ Probably more importantly, the Congress gave the lie to the Protestant charge of "priest-ridden" when laymen sat side-by-side with the clergy during the meetings.

The speeches and papers covered a wide variety of subjects and showed the world that Catholics had interests beyond those of a purely religious nature. John Gilmary Shea read the first paper, entitled "Catholic Congresses," and the well-known Catholic lawyer of Baltimore, Charles Bonaparte, the paper on the independence of the Holy See. The president of the Central Verein, Henry Spaunhorst, delivered a paper on "Catholic Societies," and

²⁸ Ireland to Gibbons, St. Paul, July 16, 1889, AAB; Gibbons to Ireland, Baltimore, July 20, 21, 1889, AASP; Onahan to Elder, Chicago, August 17, 1889, Elder papers in Archives of the Archdiocese of Cincinnati (AAC).

²⁹ Foy to Brownson, St. Louis, July 31, 1889, AUND.

³⁰ Ireland to Gibbons, St. Paul, August 15, 1889, AAB.

³¹ Ireland to Brownson, St. Paul, August 14, 1889, AUND.

³² Foy to Brownson, St. Louis, August 22, 1889, AUND.

³³ Rampolla to Gibbons, Rome, November 9, 1889, AUND.

Henry Brownson one on "Lay Action in the Church." Other papers covered such topics as Sunday observance, capital and labor, insurance, charities, the press, education, and other subjects. In fact, too many papers had been scheduled for so limited a time, and many were never delivered but merely included in the official *Proceedings*.³⁴ The Congress ended with the usual resolutions, in this case resembling very closely the language of the pastoral issued after the Third Plenary Council in 1884.

Most contemporaries considered the Catholic Congress a success, the secular press being particularly generous with its praise. The chief criticism leveled against the Congress was that there had been too little time for discussing the papers. One paper, the *C.T.A. News*, humorously noted on November 19, 1889, that "there seemed to be a fear on the part of the managers that if discussion were allowed, there would be rashness of speech, exhibitions (*sic*) of unparliamentary conduct, etc., etc."

In his report to Leo XIII, Cardinal Gibbons mentioned how great was the enthusiasm displayed by both Catholics and Protestants: "The laity called to take part there spoke with the same manifest intelligence of the country and of the Catholic religious spirit, and with such an appreciation of most of our political institutions . . . that in truth this was a triumph for the Catholic Church."³⁵ Always enthusiastic about the Congress, Archbishop Ireland also lauded the laity for their performance during it. Addressing the delegates, he said, "Go back and say to your fellow Catholics that there is a departure among the Catholics of the United States. Tell them that heretofore, so to speak, you have done but little, but that henceforth you are going to do great things. Tell them that there is a mission open to laymen As one of your bishops I am ashamed of myself that I was not conscious before this of the power existing in the midst of the laity and that I have not done anything to bring it out With God's help . . . I shall do all I can to bring out this power."³⁶

³⁴ These papers or speeches can be found in *Official Report of the Proceedings of the Catholic Congress Held at Baltimore, Md., November 11th and 12th, 1889* (Detroit, 1889).

³⁵ Gibbons to Leo XIII, Baltimore, December 7, 1889, (in French), AAB.

³⁶ *Official Report*, pp. 187-188; "Catholic Lay Action," *HRS*, XXX (1939), 151.

A "Committee on Future Congresses" was formed with instructions to arrange another Congress not later than 1892. Peter Foy argued that the laity should get control of this committee so as to make the next Congress completely lay.³⁷ However, the next Congress was delayed until 1893, and it was William Onahan who became the pivotal layman on the "Committee on Future Congresses." Onahan seemed to realize that laymen could not sponsor an undertaking with the dimensions of a Congress without aid and advice from the hierarchy.

Even before the first Congress met, Martin I. Griffin, editor of the organ of the Irish Catholic Benevolent Union, the *ICBU Journal*, proposed another form of lay leadership. Since the press had not been notified about the coming Congress until August 1889, it was not surprising to find in the *Journal* for April 15, 1889, Griffin's suggestion to unite Catholics through a federation of Catholic societies. He appealed for greater cooperation among the existing organizations, saying that union among societies could cultivate a "sound Catholic spirit" and an exchange of ideas on historical and scientific questions touching Catholic interests.

Actually, what Griffin was proposing was similar to what the Congress hoped to achieve: a unity of Catholics to promote some sort of solidarity and to face up to their problems, searching for solutions to those problems. However, both Griffin's suggestion and the work of the Catholic Congress indicated not individual lay leadership, but collective or representative leadership. Few of the delegates to the Congress were known outside of their home cities, but both Griffin and the Congress were attempting what the Catholic Unions had failed to achieve: a unity of Catholics on the national level.

In view of the increasing complexity of life in the United States in the 1890's, unity among Catholics seemed desirable. The Knights of Labor, under so much suspicion only a few years before, had dwindled in importance as the American Federation of Labor gained in numbers and prestige. However, the conditions of the workingmen did not improve appreciably, and two groups of religious origin were attempting to ameliorate social conditions:

³⁷ Foy to Brownson, St. Louis, September 21, 1889, AUND.

the exponents of the social gospel and a society of Christian Socialists. Organized religion, too, was touched, being engaged in conflict with Darwinism, Bible criticism, and the new interest in comparative religion.

There came to be much talk about the "social conscience" and movements of protest, but in this regard the attitude of the Catholic hierarchy was more negative than positive, more tolerating than approving. Basing their thinking upon the virtues of justice and charity, the hierarchy did not condemn Catholics for participating in social reform out of considerations essentially political.³⁸ However, the bishops were convinced that a speedy Americanization of Catholics would be helpful in changing the attitudes of the non-Catholic community.³⁹

Historians have observed that the hierarchy, with the possible exception of Archbishop Ireland, were lacking in civic leadership, especially in the matter of social reform. In Robert Cross's opinion, this attitude helped to limit Catholic interest in reform to periods when reform was popular.⁴⁰ But the hierarchy was otherwise occupied in the 1890's, being divided on many issues: "Americanism," "Cahenslyism," the school controversy, and the establishment of the Apostolic Delegation.

Despite these differences among the hierarchy, the laity continued to explore means of meeting in large groups to discuss problems peculiar to them. While the "Committee on Future Congresses" made plans for the second Catholic Congress, followers of Martin I. Griffin's suggestion for a federation of Catholic societies considered his new proposal. The federation movement got under way before the next Congress convened.

Two months after the closing of the first Catholic Congress, a group of laymen in Pittsburgh formed the first diocesan federation of Catholic societies. By April 8, 1890, a committee on constitution had issued a pamphlet-size report⁴¹ justifying federation on the basis of the encyclical, *Sapientiae Christianae*, of Leo XIII

³⁸ Aaron I. Abell, "The Catholic Church and Social Problems in the World War I Era," *Mid-America*, XXX (July 1948), 140.

³⁹ McAvoy, *Crisis*, pp. 37, 42.

⁴⁰ Cross, *Liberal Catholicism*, p. 219.

⁴¹ *Federation of Catholic Societies—Pittsburgh American Federation of Catholic Societies* (n.p., n.d.).

issued in January 1890, on the duties of Christians as citizens. The founders of the federation represented all the major societies of Pittsburgh: the Emerald Benevolent Association, the Roman Catholic Union, Knights of St. John, the Knights of St. Michael (Polish), the Ancient Order of Hibernians, the Board of Erin (a branch of the AOH), the Knights of St. George (German), the St. Vincent de Paul Society, and the Irish Catholic Benevolent Union. Delegates from these societies listed in the *Pittsburgh Catholic* for February 1, 1890, the purposes of federation as "the more thorough cementing, maintenance and promotion of the cordial fellowship among the Catholic laity everywhere and the upholding and conserving of the public welfare of Catholic communities." William Golden of the Emerald Benevolent Association tried to "work up" a diocesan federation in Baltimore, but Pittsburgh seemed to be unique in this type of lay activity for a decade.

If federation was not the immediate answer to the needs of Catholics, it seemed to contemporaries that conditions warranted united action of some kind. The APA was spreading rapidly, and Archbishop Ireland seemed to be a chief target. The Bennett Law of Wisconsin had imposed upon parents, many of them German, the obligation of sending their children to English-speaking schools until the measure could be defeated in a later referendum.⁴² The thrice-defeated Blair Bill attempted to allot federal aid to schools while excluding Catholic schools from the alleged benefits,⁴³ and Catholic Indian Mission schools were having government support gradually withdrawn.⁴⁴ Catholics appeared to be standing alone while Protestants of various denominations began to hold inter-faith conferences with an aim to some sort of federation. The Salvation Army was increasing its appeal by adding social service to its evangelism, and Lutherans in particular vied with Catholics and Jews in zeal for the welfare of newly arrived immigrants.

Consequently, the "Committee on Future Congresses" had many things to discuss when they met in Boston on July 25, 1890,

⁴² William F. Whyte, "The Bennett Law Campaign in Wisconsin," *Wisconsin Magazine of History*, X (June 1927), 363-390.

⁴³ John W. Evans, "Catholics and the Blair Education Bill," *CHR*, XLVI (October 1960), 273-298.

⁴⁴ Henry Ganss, "The Indian Mission Problem Past and Present," *Catholic Mind*, (July 8, 1904), 325-344; Sister Mary Claudia Duratschek, O.S.B., *Crusading along Sioux Trails* (Yankton, 1947), *passim*.

at the same time as the archbishops were holding an annual meeting. The laymen asked the archbishops to appoint an episcopal committee to work with the laity, and the prelates designated Archbishop Ireland and Bishops Camillus Maes of Covington, Patrick Foley of Detroit, and Matthew Harkins of Providence for the task.⁴⁵ At the first meeting of the entire committee, it was moved by Morgan O'Brien and seconded by Edmund Dunne that "the next Congress be enlarged to the 'Catholic Congress,' lay and clerical as distinguished from 'lay Congress.'"⁴⁶

Whether this resolution affected the success of the second Catholic Congress is difficult to assess, but contemporaries were not so enthusiastic about the results as their predecessors had been in 1889. There were many reasons for the apparent failure of the Congress. The "national" problem, considered on the wane by Archbishop Ireland in 1889, created many unpleasant scenes during the preparatory stages. In fact, German Catholics blamed the archbishop "for keeping up the fight" on national lines,⁴⁷ especially because he wanted all Catholics of foreign birth or foreign extraction to shed their foreignisms. Again, too, there was the charge that the "Irish" were being preferred in the selection of committee-men because to non-English-speaking Catholics, all who spoke English were called "Irish."

Dissension among the laymen of the committees contributed to disunity in the organization. Judge Edmund Dunne led the opposition to the "interference" of the hierarchy. Apparently he regretted having seconded the motion to include the clergy in this Congress, for he wrote a letter to Condé Pallen of *Church Progress* in St. Louis, excoriating Archbishop Ireland for usurping too much authority; the *Chicago Tribune* obtained a copy of the letter and published it on February 17, 1892. Pallen and Dunne also opposed the emphasis being placed upon the social question and thought that education and the temporal power should receive more attention.⁴⁸

A third problem evolved from Archbishop Ireland's absence

⁴⁵ Minutes of the First Annual Meeting of the Archbishops, July 23-25, 1890, in Archives of the Archdiocese of Boston (AABo).

⁴⁶ Minutes of the Committee on Future Congresses, July 25, 1890, AUND.

⁴⁷ Spaunhorst to Onahan, St. Louis, June 2, 1891, AUND.

⁴⁸ Onahan to O'Brien, February 23, 1892, AUND.

from the country. He had addressed the National Educational Association in St. Paul in July 1890, praising the public school system and regretting the necessity of Catholics to maintain their own schools. The speech was so widely read and variously interpreted that Rome took notice of the affair. The archbishop went to Rome to explain his position, and the Congress Committee suffered in his absence.

In the meantime, the organizers of the Columbian Exposition, a world's fair to be held in Chicago to commemorate the four-hundredth anniversary of the discovery of America by Columbus, made overtures to both Cardinal Gibbons and to Archbishop Ireland to participate in the opening functions. Gibbons begged to be excused because of pressing business,⁴⁹ but Ireland was delighted with the attention he was receiving.⁵⁰ However, for some reason, during the preparatory stages of the Catholic Congress to be conducted during the Fair, Ireland attempted to withdraw his support from the laymen, and Onahan was hard-pressed to encourage him to change his mind.⁵¹

Perhaps the most devastating circumstance that contributed to the failure of the lay Congress was the attitude of Cardinal Gibbons. While in Rome, Ireland had written to the cardinal telling him that Monsignor Denis O'Connell, rector of the American College, had confided to Ireland some doubts about holding such a Congress. To Ireland, Gibbons replied that these were his own sentiments and that the archbishop should advise Onahan to do nothing until he heard further from Ireland. The cardinal continued that he thought the Congress should be suppressed, but that suppression would have to come from the archbishops.⁵² In a later letter the cardinal suggested that the archbishops would try to kill the present Congress; but if they failed to do so, they would see that this would be the last Congress of this type.⁵³ Apparently, the archbishop did not follow the advice of the car-

⁴⁹ Gibbons to Onahan, Baltimore, July 25, 1893, AUND.

⁵⁰ Ireland to Denis O'Connell, St. Paul, August 10, 1892, O'Connell Papers, Archives of the Diocese of Richmond (ADR). *Ibid.*, August 20, 1892.

⁵¹ Onahan to Ireland, Chicago, August 25, 1890, AUND.

⁵² Gibbons to Ireland, Baltimore, February 25, 1892, AASP.

⁵³ *Ibid.*, February 26, 1892.

dinal; Onahan continued steadily his work toward the second Catholic Congress.

The autumn of 1892 found more than Catholics anxious about the state of affairs. The entire country was in a turmoil over the fight for free silver and the tariff reform; and Catholics, like everyone else, were divided on the major issues discussed by the presidential candidates. Although Catholics limited their political activities to mainly local situations, their old adversary, the APA, was not so docile. The celebrations of Catholics everywhere commemorating the landing of Columbus four centuries earlier aroused the APA to greater efforts to increase its membership. It became stronger, furthermore, when political unrest helped defeat the Republicans, and several foolish measures of the Democratic Congress played into the hands of the APA. During 1893 and 1894, the APA began to control primary elections, siding with the Republicans in order to avoid forming a third party. The APA was in an excellent position to stifle political aspirations of Catholics in many areas, especially in the Midwest.

Neither the internal disputes of the organizers of the Catholic Congress, nor the unrest in the country and the rise of APA'ism could halt the progress of the Congress which opened on September 4, 1893, and lasted until September 9. The delegates devoted three of the days of the Congress to papers on *Rerum Novarum*, Leo XIII's recent encyclical. A Chicago lawyer, Edward Brown, spoke on the "Rights of Labor," and Father Francis McGuire of Albany delivered a paper on "Workingmen's Organizations and Societies for Young Men."⁵⁴ J. P. Lauth of Chicago and E. M. Sharon of Davenport, Iowa, explained the connection between insurance and the labor problem, and Bishop John A. Watterson of Columbus, Ohio, urged all religious groups to support the principles outlined by the Holy Father in his encyclical. Bargaining, compulsory arbitration, conciliation, and other topics were capably covered by clerical and lay speakers of "the highest ability & scholarship."⁵⁵

⁵⁴ All the speeches and the resolutions can be found in the Onahan Papers, AUND, and in *Progress of the Catholic Church in America and the Great Columbian Congress of 1893* (Chicago, 1897).

⁵⁵ Onahan to Elder, Chicago, February 9, 1893, AAC.

In addition to the social question, speakers once more covered many areas of interest to Catholics: education, charities, Catholic societies, and the needs of Catholic youth. The final resolutions of the Congress embodied the principles of *Rerum Novarum* stressing the conditions of working girls and women, works of charity, continued extensions of Catholic life insurance, beneficial and fraternal societies, the diffusion of sound literature, and education on economic subjects.

Despite the impressive program and the eminent speakers, the second Catholic Congress ended this method of lay leadership. The audience reached by the speakers was limited; many people were unable to attend the Congress on account of the economic situation following the panic of 1893.⁵⁶ APA'ism discredited the Congress also in the form of a document purporting to be a papal bull ordering the massacre of Protestants on or before the feast of St. Ignatius 1893, but at least before the Catholic Congress could convene at Chicago. So great was the fear over this obvious forgery that many Protestants refused to leave their homes to go to the Fair.

The proceedings did reach many people outside of Chicago because the press was rather favorable in reporting the Congress. The *Catholic Citizen* observed on November 25, 1893, that one concrete result of the Congress was the formation of the National Catholic Women's League of America for the purpose of philanthropic and educational endeavors. Another salutary result was the honor bestowed upon William Onahan for his work in both Congresses. At the request of Gibbons, Ireland, and Archbishop Satolli, first Apostolic Delegate to the United States, the Holy Father awarded Onahan "the title and privileges of the 'Camerare di Cappa & Opada'."⁵⁷ Within a week after the Congress closed, Gibbons sent a copy of the *Proceedings* of the Congress to the Holy Father, once more praising the laymen for their work in the meeting.⁵⁸

Almost immediately after the Congress ended, Catholics joined members of other denominations in a World's Parliament of Reli-

⁵⁶ Ireland to Onahan, St. Paul, August 10, 1893, AUND.

⁵⁷ Gibbons to Leo XIII, Baltimore, November 28, 1893, AAB.

⁵⁸ Gibbons' Diary, November 14, 1893, p. 269, AAB.

gions, as one of the features of the Fair. Bishop John Keane, now rector of the Catholic University, had been appointed to find competent speakers among the hierarchy to represent Catholics during the Parliament of Religions.⁵⁹ Reporting on the Parliament on September 16, 1893, the *Catholic Citizen* mentioned reasons why so many Catholics had lost their faith. This had been a misunderstanding incorporated in the Cahensly memorials which had been denounced in the archbishops' meeting of 1892,⁶⁰ but no one could deny that there was some loss to the faith. The major causes cited in the *Citizen* were the same that Henry Spaunhorst had pointed out in his talk during the second Congress: the reluctance of some wealthy Catholics to aid their less fortunate brethren, and the large membership of Catholics in secret societies.

The Parliament of Religions was a demonstration of cooperation among members of various religious beliefs. Catholics had begun to realize that they could not work alone in philanthropic and reform movements and in shaping civil legislation for the public weal, and the Parliament was probably the "highest watermark ever attained in the history of Catholic cooperation with non-Catholic religions."⁶¹ However, in 1895 Pope Leo XIII wrote to Archbishop Satolli that he had tolerated with prudent silence Catholic participation in the Parliament, but he thought "it would seem . . . more advisable that the Catholics should hold their conventions separately."⁶²

Conditions in the country had not changed because a Catholic Congress or a World's Fair had been held. The desire for unity among Catholics prevailed, and they turned their attention toward the Catholic society. Catholic societies had increased in numbers during the two decades of the Union and Congress movements, but their influence was still confined to local or parochial limits. The Catholic society was the main bulwark against the secret societies which were causing some loss to the faith; and the Catholic society was the source of hope expressed by Leo XIII for Catholic workingmen's organizations.

⁵⁹ Keane to American Archbishops, Washington, November 12, 1892, AAB, and Archives of Archdiocese of New York (AANY).

⁶⁰ Minutes in AABo and AAB.

⁶¹ E. E. Y. Hales, *The Catholic Church in the Modern World* (Garden City, 1958), p. 169.

⁶² *American Ecclesiastical Review*, XIII (November 1895), 395.

In an effort to expand beyond local or parochial lines, the Irish Catholic Benevolent Union extended the courtesies of the floor to the Catholic Total Abstinence Union and to the Total Abstinence Army of America.⁶³ It must be remembered that the ICBU had earlier made a similar agreement with the Central Verein. Consequently, several societies made overtures that augured well for a formation of a national federation similar to the diocesan federation of Chatholic societies of Pittsburgh.

One reason advanced for the formation of a federation of Catholic societies was a gathering of forces to demand a redress of "grievances." It was this sort of thing that had caused Cardinal Gibbons to hesitate to approve the Catholic Congresses, and the list of grievances remained unchanged during the final decade of the 19th century. The chronic issues involved discrimination against Catholic children in public schools, where opening exercises were distinctly Protestant, the unequal distribution of Indian funds, scarcity of Catholic chaplaincies in the armed forces and in public institutions, and discrimination against Catholic workers such as was practiced by the Boston school board which would not hire Catholics as teachers.

Ave Maria called one occurrence a "test of Catholic influence." Cardinal Gibbons tried to reopen the Indian mission school question to restore rations badly needed by the missionaries, but he was ignored by Congress. This test failed, stated *Ave Maria*, because politicians understood that Catholics would permit such injustice without protest.⁶⁴ Such incidents must have been widespread because the delegates to a conference of Catholic colleges denounced unwarranted state interference with private rights and privileges.⁶⁵ And the kindly Protestant minister, Washington Gladden, wrote, "Our Roman Catholic citizens have earned the right to be protected against such proscriptions" because of their religion.⁶⁶ In 1898 Catholic editors found a new cause. Congress had declared war against Spain after hearing President McKinley's

⁶³ *Proceedings of the Twenty-Ninth Convention of the Irish Catholic Benevolent Union*, held at Scranton, Pa., August 18 and 19, 1897 (Philadelphia, 1897), p. 11.

⁶⁴ XLVIII (March 25, 1899), 372.

⁶⁵ "The Association of Catholic Colleges," *Catholic University Bulletin*, V (July 1899), 357-363.

⁶⁶ Washington Gladden, *Recollections* (New York, 1901), p. 365.

message of April 11 about the conditions in Cuba. America emerged from the brief struggle with Spain as an imperialist nation charged with the care of predominantly Catholic Cubans, Filipinos, and Puerto Ricans. The administration of the insular possessions seemed to tend toward secularization, and each new "attack" on the Church, its property, and its educational system became food for the Catholic press.

The disposition of the Friars' land in the Philippines became a chief topic of discussion in Catholic papers for years until President Theodore Roosevelt sent William Howard Taft to the Vatican in 1902 to settle the question.⁶⁷ One of the most vocal Catholic editors during the crisis was Arthur Preuss, editor of the *Review* of St. Louis. He stated on November 3, 1898, that the only way for Catholics to secure justice in this matter was to form a Catholic Centre Party such as existed in Germany.

Before the laymen could take any step toward a solution to their problems, a shattering blow came from Rome. A new type of "Americanism" had cropped up in France as a result of the publication of a life of Father Isaac Hecker. On January 22, 1899, Pope Leo XIII issued his Apostolic Letter, *Testem Benevolentiae*, denouncing the "heresy."⁶⁸ The matter seemed to subside when Cardinal Gibbons wrote to the pontiff assuring him that there was nothing in the United States implying an Americanism which considered the founding of an American national church.⁶⁹

Consequently, Catholics returned to their local problems. Unity was desired; Catholic Unions had not joined together a sufficient number of Catholics, and the Catholic Congresses had not fulfilled their promise of nation-wide unity. Thus, the advocates of the federation of Catholic societies were happy to hear of a resolution passed by the Knights of St. John at their annual convention in June 1899 to effect a union of all Catholic societies in a national federation. Under the chairmanship of General H. T. Rush of

⁶⁷ Richard Balfe, "The Philippine Friar Land Question and the Taft Commission to the Vatican in 1902," (Unpublished master's dissertation, University of Notre Dame, 1949); Francis A. Coghlan, "The Impact of the Spanish American War on the Catholic Church in the United States of America," (Unpublished master's dissertation, University of Notre Dame, 1956), chapter III.

⁶⁸ Leo XIII to Gibbons, January 22, 1899, in AABo.

⁶⁹ Gibbons' Diary, March 17, 1899, p. 290, AAB.

Indiana a committee began preparation of a form letter to be sent to the hierarchy, every Catholic newspaper, and all Catholic societies in the United States. As this circular became public property, there were discussions for and against the idea of a federation of Catholic societies. A word of caution appeared in the *Sacred Heart Review* of Boston for December 2, 1899. Reminiscent of Bishop Keane's words at the Third Plenary Council, the *Review* warned its readers to be wary of the word Catholic in names of organizations. Many times, the writer stated, such groups indicated Catholic life centered around smoke talks and pool tournaments and shabby little entertainments not to be too highly admired. Much had to be done, he continued, before societies of Catholics would be really Catholic societies.⁷⁰

In addition there was a running commentary in the same paper during November and December 1899 between a writer who called himself C. R. and the editor and other writers. The topic of unity among Catholics was recurrent, but one writer noted that narrow, selfish, and discredited divisions often arrayed Catholics as Irish-Americans, German-Americans, French-Americans, Polish-Americans, and other "hyphenated" groups. The attitude of outsiders in the 1850's lingered, causing them to view the Catholic Church as a conglomeration of foreign-born people with little hope for unity on account of diverse cultures and backgrounds.⁷¹ An editorial in the *Northwestern Chronicle* for February 23, 1900, stated basically the same thing, mentioning particularly the heterogeneity of the Catholic societies. The writer thought that the Catholic Church should look to its educational establishments for its future prestige and advancement. He commended Catholic societies for contributing to the future of Catholic education by endowing chairs at the Catholic University of America and further stated that societies could serve the Church better by continuing this practice.⁷²

⁷⁰ Frank A. O'Brien, "Parish Societies," *AER* XIV (June 1896), 483.

⁷¹ Gerald Shaughnessy, S. M., *Has the Immigrant Kept the Faith?* (New York, 1925), p. 168 n.

⁷² German Language and Literature Chair by German Catholic Central Society, Weber to Elder, Milwaukee, April 5, 1897, (form letter), AAC; Knights' Chair by Catholic Knights of America, CKA to Elder, Santa Fe, N.M., April 6, 1897, (form letter), AAC; Father Matthew's Chair of Psychology by Catholic Total Abstinence Union, and Gaelic Chair by the Irish associations, Patrick Ahern, *The Catholic University of America, 1887-1896. The Rectorship of John J. Keane* (Washington, 1948), pp. 113,

However, he was confident that individual societies comprising different races and nationalities could never unite.

The perennial champion of lay action, Archbishop Ireland, preferred Catholic unions as a means to lay unity, and he had little confidence in a federation of Catholic societies. However, he approved of individual societies. The *Northwestern Chronicle* of September 22, 1899, quoted his speech to a group of German Catholics, "A principle of mine has always been lay action. . . . One of the best methods for encouraging action is the organization of societies. An individual can do little, but an individual as a member of a society can do much." But he discounted the need to fight "grievances," and a typical "Ireland" statement appeared in the *Chronicle* for April 27, 1900: "The Catholic Church is prejudiced by the ceaseless repetition of unfounded accusations against the fair mindedness of Civic officials. . . . Brand a man with bigotry and in self defense he is almost obliged to assume the role assigned to him."

Cardinal Gibbons, ever cautious, had grave doubts about the formation of a lay federation. In a letter marked "Private," he wrote to Archbishop Ireland on November 23, 1900: "If the leaders of the movement had, in the beginning, restricted the union of the societies to purely religious, moral & economic purposes, its effect would be beneficial. But from the start, a political plank was inserted in the platform which was at once seized hold of by our enemies, & severly [*sic*] criticized."⁷³ The cardinal was not the only person who saw that the "grievances" cited by protagonists of the federation movement were more political than moral or social.

In the midst of these arguments about the advisability of lay unity under a federation of societies, the presidential election for 1900 drew near. Catholics, as well as other Americans, were divided on many issues: imperialism, free silver and the gold standard, McKinley and Bryan. While many Catholic newspapers

116. (Bishop McQuaid of Rochester, N.Y., called this the "Murderers' Chair," McQuaid to O'Connell, Rochester, January 16, 1892, ADR.) The history chair, endowed by the Knights of Columbus, was not paid for until 1904, M. F. Egan and J. B. Kennedy, *Knights of Columbus in Peace and War* (2 vols., New Haven, 1920), I, 139ff, and "The Chair of American History," *CUB*, X (July 1904), 371-385.

⁷³ AASP.

denounced McKinley for his part in the war and its aftermath, some anti-Catholics accused him of having papist leanings.

During the summer that witnessed the nominating conventions, the recently reunited Ancient Order of Hibernians held its annual convention in Boston. Bishop James McFaul of Trenton, who had been the arbiter between the AOH and the Board of Erin branch in 1897, addressed a letter to the convention, writing, "We ought on every possible occasion to enter our protests against the arrogant assumption that this is a Protestant country, in which we Catholics should accept as a gracious concession any privileges our Protestant fellow-countrymen may be pleased to accord us." He continued by citing instances when Protestants proselytized in basically Catholic areas and pointed out that in New Jersey, where the population was one-third Catholic, fewer than that proportion served on public boards. Then he endorsed the federation of Catholic societies as a means of counteracting such injustices.⁷⁴

In the meantime, nine societies sent delegates to Philadelphia in June 1900 to the annual convention of the Knights of St. John to discuss federation,⁷⁵ and thirteen additional organizations displayed interest in the idea. The delegates agreed to meet again in September in Philadelphia. Later they met in New York at Thanksgiving time, and between the two meetings the delegates drafted a constitution. These organizational meetings were conducted mainly by laymen, although a few priests who were heads of Catholic societies acted as delegates for their associations.

Among the laymen who helped steer the federation movement were Henry J. Fries of the Knights of St. John, Daniel Duffy of the Irish Catholic Benevolent Union, John O'Rourke and Patrick O'Neill of the Ancient Order of Hibernians, Jacob Miller of the German Catholic Knights of America, James Flaherty of the Knights of Columbus, John Diamond of the Young Men's Institute, Theodore Thiele of the Catholic Order of Foresters, and John Maguire of the Catholic Benevolent Union. Together, these men represented over half a million members, and these same names

⁷⁴ *New York Freeman's Journal*, May 19, 1900.

⁷⁵ Newspaper accounts vary about the meeting in minor details. *Philadelphia Standard and Times*, June 30, 1900; *New York Freeman's Journal*, July 14, 1900; *Northwestern Chronicle*, July 21, 1900.

were destined to appear year after year in the minutes of the meetings of the American Federation of Catholic Societies.⁷⁶

Bishop McFaul had indicated his interest in the movement when he addressed the Ancient Order during the summer of 1900, and a short time later one of his former teachers, Bishop Sebastian Messmer of Green Bay, spoke to an assembly of the members of the *Katholikentag*, telling them that the federation movement was an excellent means of lay activity.⁷⁷

Apparently Bishop McFaul wrote to all members of the hierarchy soliciting opinions and advice and establishing his own position in the movement. He stated that he had never acted as anything but an adviser in the layman's venture, but he thought it would be a grave mistake for the clergy to stand by while laymen proceeded without proper direction and control. He also believed that should the Federation protest an injustice, a first statement might go by unheeded, but a second or third would certainly achieve results. He likewise promised that the Federation would issue no protests nor take any position without the consent and advice of the archbishops assembled in their annual meeting.⁷⁸

Archbishop Ireland replied to this letter, advising McFaul to delay the first convention of the Federation until a large number of the national Catholic organizations appeared ready to cooperate.⁷⁹ The bishop followed Ireland's suggestion, and instead of holding the first convention in April 1901, as originally planned, the founders met at Bishop McFaul's residence for further organizational matters. A final meeting was held, at his invitation, in Long Branch, New Jersey, on August 28 and 29, 1901, when it was decided to convene in Cincinnati in December 1901.

Less than a month after the Long Branch meeting, an assassin's bullet put an end to the life of President McKinley; and his

⁷⁶ The history of the Federation of Catholic Societies can be found in the writer's doctoral dissertation, "Federation of Catholic Societies in the United States, 1870-1920," (unpublished, University of Notre Dame, 1962). Accounts of these first meetings are found in the stenographic notes of John O'Rourke in the Archives of the American Catholic Historical Society (AACHS) and on microfilm at AUND.

⁷⁷ *General Versammlungen des Deutschen Romisch-Katholischen Central-Vereins*, 45 (1900), p. 101.

⁷⁸ McFaul to Ireland, Trenton, March 21, 1901, AASP; McFaul to Keane, Trenton, October 6, 1901, ADR.

⁷⁹ March 26, 1901, (copy), AASP.

successor, Theodore Roosevelt, announced that he would carry on the policies of the deceased administrator. This statement quieted the voices of those who thought federation would be unnecessary under the new administration,⁸⁰ and the founders continued planning for their first convention.

Catholics had been so preoccupied with the idea of "grievances" and the violations of "rights" in the new possessions that they were overlooking other essential matters. The *Review* quoted Bishop L. M. Fink, O.S.B., of Leavenworth, on November 28, 1901, warning Catholics of their feeble attempts to ward off the growth of socialism. At the same time, the National Civic Federation, a nondenominational organization attempting to solve capital-labor problems by bringing representatives of both camps together, was making rapid strides toward achieving its aims. And the National Federation of Churches, started at the same time as the diocesan Federation of Catholic Societies in Pittsburgh, was advancing rapidly toward a program of unity. Obviously, Catholics could not stop now in the midst of their own federative movement.

The first convention of the Federation was held in Cincinnati, December 10-12, 1901. The constitution was revised, and officers were elected for one year. At the convention, Bishop McFaul stated that it should be "regarded as an unwritten law that neither the hierarchy nor the political world should be allowed to hold any sway over this organization."⁸¹ Furthermore, he asserted that "the approbation of the hierarchy was not requested, because such approbation would have given to the Federation the character of a Church movement, whereas it has originated with the laity and must live or die by their interest in it."⁸²

However, throughout the twenty years of its influence, the Federation never undertook anything of a major character without first consulting its advisers who were members of the hierarchy. Again, as with the Congresses, the lay leadership within the Federation was collective or representative and rarely individual. A few names appear year after year in the proceedings of the

⁸⁰ *Catholic World*, LXXIV (November 1901), 274.

⁸¹ *Northwestern Chronicle*, December 21, 1901, and typed stenographic notes, p. 19, AACHS.

⁸² *The Review*, January 9, 1902.

annual conventions, and except for deaths, these men dominated the organization throughout its history.

The one and only national secretary for the entire twenty years was Anthony Matre of the Catholic Knights of America, who carried on the work of the Federation between conventions. In addition, there were periodic meetings of the executive committee, usually comprised of laymen, and of the advisory committee of prelates. But generally speaking, the work of the Federation fell upon the shoulders of Matre until 1911 when a social service commission was formed. Thereafter the burden of the work was shared with Father Peter E. Dietz, secretary of the commission. For their work with Catholic societies and with the Federation, three laymen were named Knights of St. Gregory: Matre, Frederick Kenkel, and Joseph Frey. Kenkel and Frey were leaders of the Central Verein.

Under the leadership of such men as Matre, Frey, Kenkel, and Nicholas Gonner of the Central Verein, Frederick Heckenkamp of the Western Catholic Union, Daniel Duffy, Thomas Minahan, a banker from Cincinnati and Seattle, Charles Denechaud, a New Orleans lawyer, Fred Immekus of the first Pittsburgh Federation, and a few others, the Federation made a contribution to the Catholic community which is rather difficult to assess.

Through the convention and lecture platforms and its *Bulletin*, the AFCS gave the Catholic view on such topics as labor and labor unions, Sunday observance, temperance, divorce, juvenile delinquency, birth control, and euthanasia. It supported the Indian and Negro Missions, the Catholic Church Extension Society, the Lay Retreat League, the Catholic Press Association, the National Catholic Educational Association, and other organizations. It discussed and condemned socialism, nihilism, communism, and Modernism. It appealed to President Wilson to act quickly in Mexico when Catholics were being persecuted there, and it approached Congress on several occasions to hasten or halt legislation. However, the Federation never had sufficient funds to form a lobby.

Recognizing the social needs of the day, the Federation advocated the formation of a Young Men's Catholic Association similar to the Y.M.C.A., and in Boston, at least, such an organization was

started with some success. The secretary of the social service commission, Father Dietz, urged the formation of a school of social service, but the Federation was unable financially to undertake the burden. However, Father Dietz did start a school independently of the Federation, and his social workers were in constant demand.

The Federation waged an endless war against indecent pictures in saloons and in magazines, and when motion pictures became increasingly popular, the *Bulletin* began to publish lists of approved and morally questionable movies as a sort of guide for Catholics. This was one of the first moves to evaluate motion pictures along moral lines at a time when most viewers considered the entertainment harmless. Under Anthony Matre the Federation supported two censorship bills, one in Chicago and one in the federal government. The former passed, but a powerful lobby of distributors and producers defeated the national proposal.

The Federation brought to its platforms the leading Catholic speakers of the day. James Hagerty, professor of economics at Ohio State University and a member of the social service commission of the Federation, addressed Federation audiences on capital and labor and related topics. Former Secretary of State of New York Peter Collins, also secretary of the International Brotherhood of Electrical Workers, was an authority on socialism who shared his information with federationists frequently. From the central bureau of the Central Verein came its director, Frederick Kenkel, to instruct listeners in the progress being made by Catholics along social lines.

To list all the contributors to the Federation's activities would be impossible, but the very numbers indicate an increase among Catholics of those well informed on pertinent topics of the day. Many of the speakers and writers were labor leaders, among them Peter McArdle of the Amalgamated Associated of Iron, Steel, and Tin Workers; Denis Hayes, president of the Association of Glass Bottle Blowers; John Mitchell, vice-president of the United Mine Workers; Frank Duff, secretary of the United Brotherhood of Carpenters and Joiners; and Peter Collins. These men worked with Father Dietz in an effort to obtain from the hierarchy an official statement of Catholic policy in relation to labor.

Dietz, Hayes, and Mitchell drew up a memorial which they presented to Cardinal Gibbons on December 26, 1912.⁸³ The cardinal promised to bring the matter before the archbishops at their next annual meeting, and in the meantime he asked Father Dietz to prepare a detailed explanation of specific matters that should be included in a pastoral letter on labor. Dietz complied with a lengthy list which exhausted every aspect of labor and its relations with capital;⁸⁴ but before the pastoral could be issued, President Wilson appointed his Commission on Industrial Relations to study the conditions existing between labor and industry. The prelates awaited the outcome of the Wilson Commission before preparing their own pastoral.

Being particularly interested in the workingman and his problems, Father Dietz attended the national conventions of the American Federation of Labor, where in 1911 he inaugurated the practice of offering Solemn Mass for the Catholic members on the Sunday of the convention. He also urged, with some success, that a Catholic labor-day be designated in the various dioceses for the purpose of uniting workingmen in prayer. Until 1916, he was unofficial delegate of the Catholic Federation at AFL Conventions.

As a means of collective lay leadership, the Federation made more progress than either the Catholic Unions or the Congresses. Its activities were halted by a series of incidents which could not be foreseen nor predicted. After fourteen years of organization along civic lines: local, county, state, and national, the officers and advisers decided that reorganization according to diocesan pattern might facilitate the work of the Federation. The delegates at the convention in New York in 1916 used Boston as an example of diocesan organization and voted to try the plan throughout the nation.

While the Federation was reorganizing, the United States declared war on Germany in April 1917. Even though the country had had some hint that the United States might eventually enter

⁸³ Dietz to Whalen, Milwaukee, February 4, 1913, Archives of Central Bureau, St. Louis. (ACB).

⁸⁴ Dietz to Gibbons, Milwaukee, March 27, 1913, (copy), ACB. When the bishops finally published their pastoral in 1919, they included many of the points offered by Father Dietz. See *Bishops' Program of Social Reconstruction* (Washington, 1920).

the war, the administration found the nation poorly prepared for the conflict. All agencies and groups rallied to the cause, and religious organizations began drives to give aid to men in the armed forces at home and on the fronts. Among the Catholics the Chaplain's Aid Society, formed by the Reverend John J. Burke, C.S.P., and the Knights of Columbus were soon ready to supply the needs of their coreligionists at home and overseas. The Knights of Columbus had had some experience in this respect during the period of "watchful waiting" on the Mexican border in 1916 and 1917, and they were ready almost immediately to offer their services in the social areas of war work.

In the process of bringing together all Catholic forces, the National Catholic War Council was formed in August 1917, with Father Burke as chairman. However, friction between the Knights of Columbus and the N.C.W.C. impelled Cardinal Gibbons to bring the Council under the direct control of the archbishops with a committee of bishops appointed to the interim work between archbishops' meetings.⁸⁵ Some of the same organizational problems were encountered by the N.C.W.C. as had been faced earlier by the American Federation of Catholic Societies. However, the Council had at its command thoroughly trained organization men who directed its course smoothly. Among the groups which pledged their fullest support was the American Federation of Catholic Societies, whose Charles Denechaud was director of the men's committee.

In the meantime, however, because of the war and its aftermath, the Federation gradually lost its identity and became only one of the organizations under the N.C.W.C. With the formation of the National Catholic Welfare Council (later Conference) after the war, collective lay leadership as known under the Federation came to an end. How extensive was the aid given to the N.C.W.C. by the Federation is buried in the papers of the Council which are not yet available for use. Among the departments of the N.C.W.C., two closely resemble the old Federation: the National Council of Catholic Men and the National Council of Catholic Women.

⁸⁵ Gibbons to Lavelle, Baltimore, October 10, 1917, (copy), AAB; Burke to Mundelein, New York, October 21, 1917, Archives of Archdiocese of Chicago.

In the era that ended in 1920, one finds names of prominent Catholics in all walks of life, but few could be called lay leaders as the term is known today. Several journalists did yeoman service with their pens: Thomas A. Daly of the Philadelphia *Evening Ledger*, Philadelphia *Record*, and *Catholic Standard and Times*; Simon A. Baldus of *Extension* magazine; James Connolly of *Scribner's Magazine* and *Collier's*, who also represented the Boston *Transcript* during the Consistory of 1911; and Christian Reid, contributor to *Ave Maria*.

Among scientists who were also writers were James J. Walsh and Dr. Thomas W. Turner. Walsh wrote *The Thirteenth, Greatest of Centuries* for which he struggled to find a publisher. He was professor of nervous diseases and of history of medicine at St. Francis Xavier College in New York as well as medical editor of the *Herald*. Head of the botany department at Hampton Institute, Virginia, Dr. Turner was a Knight of St. John, lecturer, and writer.

Many Catholics served their local, state, and national governments in political positions. Charles Bonaparte of Catholic Congress fame was the first Catholic layman to serve on the Indian Bureau, and he used his influence to try to have rations distributed more equitably to Catholic Indian missions. Charles P. Neill, economist of the Catholic University, served as United States Commissioner of Labor, and lectured many times to Federation audiences. Declining the Democratic nomination for the Presidency in 1896, Stephen M. White had been successively state senator, lieutenant governor of California, United States senator.

Perhaps one of the most famous figures on the political scene was Roger Taney, Chief Justice of the United States after the illustrious John Marshall. Although the decision handed down on the Dred Scott case has been misunderstood, not even Taney's political enemies ever questioned his integrity. In fact, he had early manumitted the slaves he inherited and paid each one a monthly pension until the ex-slave's death.

Chief examiner for the Massachusetts Civil Service Commission, Joseph J. Reilly became vice-president of the Association of Civil Service Commissions of the United States and Canada in 1919, and in 1920 he was elected president. In New York, Alfred E.

Smith became Governor toward the end of the period under consideration. Several prominent Catholics served the United States in the diplomatic service. Maurice Francis Egan, former instructor at the University of Notre Dame, became senior diplomat in Copenhagen, "the whispering gallery of Europe," was Minister to Denmark in 1907, and assisted in the negotiations resulting in the United States purchase of the Danish West Indies.

Individual Catholics in the professions, the arts, and in politics during the century after 1820 exerted a limited or local authority. For lay influence of a wider scope, collective or representative leadership through organizations prevailed. From 1820 until the formation of the first Catholic Unions in 1871, lay leadership was practically nonexistent. After 1871, three types of organizations sought to bring large numbers of Catholics together to discuss their problems and to seek solutions. On the local level the Catholic Unions achieved some success, but the National Catholic Union failed to materialize. Had the congress movement continued with regularity, this type of Catholic activity might have proved as satisfactory as the European Congresses. The most lasting form of lay leadership was accomplished through Catholic societies, culminating in the formation of the American Federation of Catholic Societies.

With anything so large as a National Catholic Union or a national Catholic Congress or a Federation of Catholic Societies it is difficult to determine what influence reached the rank and file of the members who were represented at regular meetings. Among the letters of Walter George Smith, prominent lawyer and president of the Philadelphia Federation, and Joseph Weber, his secretary, can be found many complaints from the members that they misunderstood some of the rules of the Federation or certain directives from the office of the national secretary.⁸⁶ However, equally voluminous correspondence following the recommendation that all members of the Federation protest the treatment of Catholics in Mexico indicates that misunderstanding was not the rule.⁸⁷

Much of the business conducted by the large gatherings of Cath-

⁸⁶ AACHS.

⁸⁷ Wilson Correspondence, National Archives.

olics was defensive. While it is true that the Congresses muted "grievances," the Federation was formed on the basis of complaints against attacks and plans for "counterattacks." Although many proposals and resolutions were positive, seldom did the group making the resolutions vote the means to implement them. Lack of qualified personnel and shortage of funds often stood in the way of performing the good works recommended. Failure to act in these cases weakened the effectiveness of the mass meetings.

Throughout the hundred years new immigrants added to the numerical strength of the Catholic population, but at the same time the wide variety of backgrounds tended to limit lay leadership. In 1900 over a million Catholics migrated to the United States from eight predominantly Catholic countries, large numbers coming from Eastern and Southern Europe. Whereas during the 19th century the conflict had been mainly between the German and "Irish" Catholics in the United States, during the 20th the field was widened to include Poles, Italians, Czechs, Portuguese, and Slavs. Many of these newcomers settled in large cities in small ethnic groups, retaining their own languages and customs and thus impeding assimilation.

The nationality question plagued the founders of the Congresses and the leaders of the Federation. Germans of the old school opposed the eradication of foreignisms, and they bewailed the tendencies of the younger generation to prefer English to German. Although some Polish societies joined the Federation, the AFCS was never able to woo in any numbers the Italians or the French Canadians. And the Federation was forced on many occasions to make concessions to ethnic groups to assure them that assimilation would not be forced upon them. The general, although unfortunate, attitude of Americans toward Germans during World War I helped in a partial solution to this particular problem.

Initiative among even potential lay leaders was curtailed throughout the hundred years by attacks upon the Church and its members by anti-Catholic groups. Earlier prejudice was often nativist in principle. Any display of strength by Catholics brought a mustering of forces by their opponents. APA'ism gathered strength during the days of the Congresses, even though the movement began to decline in 1895 because of political machinations. The at-

tention given the Federation by such publications as *The Menace*, *The Protestant Magazine*, and *Watson's Magazine* indicated that the AFCS was an organization to be watched with some anxiety.

Had there been no nationality problem, had there been more well-educated Catholics, had bigotry died in 1819, lay leadership would still have been limited by the attitude of the hierarchy. Trusteeism lingered long in the minds of the prelates, as did the constant listing of "grievances." Aware of the history of anti-Catholic bigotry, the bishops were constantly on the alert for actions among the faithful that might provoke new attacks upon them. Being able to survey life within their dioceses, and having recourse to their brother-bishops, the episcopal leaders had a better view than the laity of most situations. The division of the hierarchy over major matters toward the end of the 19th century also inhibited lay leadership. There was little doubt in the layman's mind where Catholic leadership lay, but the unpleasant publicity accompanying episcopal differences caused perplexity among the laity. And since Catholic publications often expressed the opinions of the local ordinary, Catholic readers of a single Catholic paper were subjected to only one view.

Cardinal Gibbons had opposed the Congresses and had lived up to his promise that the second would be the last. Although Archbishop Ireland had supported the Congress movement, he concurred with Gibbons in objecting to the formation of the Federation. Both prelates were converted to the idea of the Federation, and both welcomed national conventions to their see cities with words of praise for the organization. But when the time came to form under episcopal control a national group comprising all existing societies, the hierarchy passed over the Federation and formed an entirely new organization.

In a country where anticlericalism was almost unknown and where the leadership of the hierarchy was an accepted fact, this assumption of control over lay organizations was effected with little opposition. The hierarchy retained the notion of representative or collective lay leadership in the National Council of Catholic Men and the National Council of Catholic Women. Into both the NCCM and the NCCW went organization men and women trained by the Federation to further the activities of the Church, but their

influence was limited and reached fewer of the laity than had been reached by the Federation.

One point not to be overlooked in collective or representative lay leadership is that there were always just a few men or women who dominated the Unions, Congresses, and the Federation. As a consequence, national officers or committee chairmen met only delegates to national conventions or congresses and were seldom known to the rank and file of Catholics.

Although there was a scarcity of articulate Catholic laymen during the hundred years after 1820, individual Catholics left their stamp on many phases of American life. Their names appear in politics, the diplomatic service, among writers, artists, actors, philanthropists, industrial leaders, scientists, and professional men. However, prominence in a community is not necessarily leadership. Consequently, the period between 1820 and 1920 was characterized by exploration: a search for the areas where the talents of the laity might best be employed and an examination of the qualifications of successful leaders. Pioneer work along these lines was done by collective groups: Unions, Congresses, and the Federation.

The United States Catholic Historical Society

(Incorporated under the Laws of the State of New York,
January 1885.)

By-Laws (as amended, 1961)

ARTICLE I

The membership of this Society shall consist of individual and institution members, all of whom may be elected at any meeting of the Council by a majority vote. Individual and institution members shall be divided into the following classes: regular members who shall pay annual dues of ten dollars, contributing members who shall pay annual dues of twenty-five dollars, sponsoring members who shall pay annual dues of fifty dollars, life members who shall pay two hundred dollars in lieu of all other payments for life, benefactors of the Society, who shall contribute one thousand dollars, patrons of the Society, who shall contribute two thousand dollars. Benefactors and patrons shall enjoy all the privileges of members without further payment of dues. Institution members shall enjoy all the privileges of individual members. Delinquency in any of the prescribed payments in this article shall be reported by the Secretary to the Council, which shall determine such forfeitures of membership as it may decide upon. Honorary membership may be conferred upon such persons as shall be deemed worthy by the Council, and such honorary members shall not be required to pay dues.

ARTICLE II

The officers of the Society shall be an Honorary President, a President, a Vice-President, a Secretary, a Treasurer, a Counsel, and an Editor of Publications. There shall also be a Council composed of the above named officers, twelve directors, and the immediate past president.

ARTICLE III

The officers and directors of the Society shall be elected annually from the members by a majority vote of the members voting. The terms of officers shall be for one year. The term of directors shall be for three years. The directors shall consist of three classes of

four each, known as directors of the first, the second, and the third class. The directors who will be serving their first year as directors will be known as directors of the first class; those serving their second year, as directors of the second class; those serving their third year, as directors of the third class. There shall be no restrictions as to the number of terms an officer or director may serve except that a President, or a Vice-President, or a director shall not serve more than two terms successively.

At least sixty days prior to the annual meeting, a Nominating Committee, which shall consist of the four directors of the second class and two other members of the Society appointed by the President (one of whom he will designate as Chairman) will draw up a ballot of nominations. This ballot will present not more than two candidates for each of the offices; President, Vice-President, Secretary, Treasurer, Editor of Publications; and not more than eight candidates for directors of the first class.

Not more than five days after the ballot of nominations has been completed, the chairman of the Nominating Committee will submit this ballot to the Secretary. Not less than thirty days before the annual meeting the Secretary shall mail to each member of the Society entitled to vote one copy of the said ballot. Members will participate in the election by marking the ballot and returning it to the Secretary prior to the annual meeting. The chairman of the Nominating Committee will announce, or have announced, the election results at the annual meeting. All officers shall retain office until the adjournment of the annual meeting at which the election of their successors has been announced.

ARTICLE IV

In the event of a vacancy in any office other than the presidency, the President shall have the power to appoint any member of the Society to the office for the unexpired term. In the event of a vacancy in the presidency the vacancy will be filled by the Council at a meeting which shall be called for that purpose by the Secretary.

ARTICLE V

The Society shall hold its annual meeting within the period commencing October first and ending December fifteenth, the day

to be set each year by the Council. Special meetings of the Society may be called by the Council at a time and place and for the purpose designated in the call.

ARTICLE VI

The Council shall meet at least three times in every year and shall in the intervals between the meetings of the Society have entire control and management of the business and property thereof, including the admission of members of every kind. The Council shall have power of appointing an Executive Secretary; also the power to appoint Special Committees from its own members, and from the members of the Society.

ARTICLE VII

Fifteen members shall constitute a quorum at meetings of the Society, and five members of the Council at meetings of the Council. At the meetings of the Society and Council, the following shall be the order of business: 1) Reading the minutes of the proceedings of the last meeting, and at Society meetings a synopsis of the proceedings of all intermediate meetings of the Council. 2) Reports and communications from officers. 3) Reports of Standing and Special Committees. 4) Announcement of election results. 5) Reading of papers, delivery of addresses, and discussion thereon. 6) Miscellaneous business.

ARTICLE VIII

The President, or in his absence the Vice-President shall, in addition to the usual duties of the President, have the general executive direction of the business of the Society. The President shall be ex-officio a member of every Committee. The President, or in his absence the Vice-President, or in the absence of both President and Vice-President, a temporary chairman to be chosen by the members present and voting at the meeting shall preside at all meetings of the Society and Council. Special meetings of the Council may be called by the President. The President, or in his absence, the Vice-President or in the absence of both President and Vice-President, a member of the Council designated by the Council shall submit an annual written report to the Society of the year's

work, and of the existing condition and of the future needs and prospects of the Society.

The Secretary shall conduct the correspondence of the Society and of the Council and shall keep and file all communications received, and copies of all communications sent; shall record the proceedings of all meetings, maintain a list of all members, benefactors, patrons, and contributors, and of their places of residence, a list of all persons proposed for membership, and shall give notice of all meetings of the Society and Council and perform all other duties pertaining to this office.

The Treasurer shall collect all dues and other moneys of the Society and shall keep its funds in a bank or banks approved by the Council, and no moneys shall be drawn therefrom, except upon checks or drafts signed by any two of the following officers, to wit, President, Vice-President, Secretary, or Treasurer. He shall keep a true list of all pecuniary donations, gifts, legacies, moneys, securities and of all kinds of real and personal property, and shall account and report in writing to the Council at each of its meetings and to the annual meeting of the Society.

ARTICLE IX

The standing committees of the Society shall be a Publications Committee and a Membership Committee.

ARTICLE X

The Publications Committee shall consist of the Editor of Publications and two other members appointed by the President. The term of each of the two members appointed by the President shall be two years, except that, of the two appointed in 1951 one shall serve for one year. There shall be no restrictions as to the number of terms a member of the committee may serve. It shall be the duty of the Publications Committee to select matter for publication by the Society and superintend the printing thereof. The publications shall be mailed or sent by the Secretary to each and every member who has paid dues. Publications made at the cost of Publication Funds shall be issued according to the conditions of the donor of each Fund. The Council may, in its discretion, direct the printing of extra numbers of any work either for future

members admitted or others interested in American history, or for any purpose deemed useful by the Council.

ARTICLE XI

The Membership Committee shall have in addition to the President of the Society, six members chosen annually by the President. It shall be the duty of the Membership Committee to make recommendations to the Council for membership in the Society and to promote the achievement of the purpose of the Society.

ARTICLE XII

These By-Laws can be amended, repealed or suspended at all meetings of the Society, by a vote of two-thirds of the members present, provided that the proposed amendment or repeal shall have been submitted, by the member offering it, to the Council previous to its introduction into the Society. The Council shall report the proposed amendment or repeal to the Society, with or without its approval. The Council shall send notice of the proposed amendment or repeal to each member of the Society at least thirty days before the holding of the meeting at which it is to be acted upon.

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UNIVERSITY OF MICHIGAN, ANN ARBOR, MICHIGAN
UNIVERSITY OF MINNESOTA, MINNEAPOLIS, MINNESOTA
UNIVERSITY OF NOTRE DAME LIBRARY, SOUTH BEND, INDIANA
UNIVERSITY OF PENNSYLVANIA LIBRARY, PHILADELPHIA, PENN-
SYLVANIA
UNIVERSITY OF PORTLAND, PORTLAND, OHIO
UNIVERSITY OF SAN DIEGO LIBRARY, SAN DIEGO, CALIFORNIA
UNIVERSITY OF SAN FRANCISCO LIBRARY, SAN FRANCISCO, CALI-
FORNIA
UNIVERSITY OF VIRGINIA, CHARLOTTESVILLE, VIRGINIA
URSULINE COLLEGE FOR WOMEN, CLEVELAND, OHIO

VATICAN LIBRARY

WADHAMS HALL SEMINARY LIBRARY, OGDENSBURG, NEW YORK

WHEELING COLLEGE LIBRARY, WHEELING, WEST VIRGINIA

WOODSTOCK COLLEGE LIBRARY, WOODSTOCK, MARYLAND

YALE UNIVERSITY LIBRARY, NEW HAVEN, CONNECTICUT

FORM OF BEQUEST

I give and bequeath (if real property add "devise") to the United States Catholic Historical Society, incorporated under the laws of the State of New York, to be applied to the uses and purposes of said Society, and under its direction.....

(Insert sum of money or description of property)



35B NEW STREET · WORCESTER 5, MASS., U.S.A.



